

Circuit Court Protective Order Practices in Domestic Violence Cases:

In the Best Interests of the Child?



CourtWatch
MONTGOMERY
A Public Eye on Domestic Violence

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Court Watch Montgomery
Laurie Duker and Judy Whiton

Our mission: To make domestic violence victims and their children safer in Montgomery County and in Maryland by identifying and addressing strengths and weaknesses in court process that may be putting victims and their children at risk. To improve protective orders so that they provide strong, effective and enforced legal protection.

Dedications



Six year old Anthony Castillo, Austin Castillo, age 4, and his sister Athena Castillo, 2 years old were drowned one at a time by their father during an unsupervised visit in March, 2008. Their mother, Amy Castillo, made multiple efforts to have visits with their father supervised or halted due to her husband's threats to kill the children and his mental health problems.



Prince McLeod Rams was 15 months old when he was allegedly killed by his father during his fourth unsupervised visit. A Circuit Court judge had originally required supervised visits but later removed the supervision requirement. Prince was killed in 2012.

Forward

Twenty trained Court Watch Montgomery volunteers made this report possible by spending over 500 hours monitoring 225 protective order hearings. We thank them for their perceptiveness, attention to detail and tenacity. Court Watch volunteers help make domestic violence victims and their children in Montgomery County safer every day.

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Executive Summary

Domestic violence is a major challenge for our community. An estimated 93,000 Montgomery County women are likely to be attacked by an intimate partner at some time in their lives.¹ The impact is too often lethal. From mid-2007 to mid-2013, over 300 victims of domestic violence were killed in Maryland. The state's domestic violence homicide rate has risen each year since 2009.² Beyond homicide, many in our County continue to be at risk for rape, strangulation, punching, stalking, and numerous other forms of assault by an intimate partner. For most victims, domestic violence is not one act, but a series of on-going incidents.

Court Watch Montgomery has previously reported about the impact of court procedures on county residents – overwhelmingly women – who are the direct victims of intimate partner violence.³ This is a report about the children who witness or become abused during incidents of intimate partner violence.

When domestic violence occurs at home it is likely that the household's children will at some point hear and see wrenching violence between their parents. Estimates of the number of children in the United States that witness intimate partner violence range from 7 million to 14 million per year.⁴ In one study children were able to accurately describe many more incidents of abuse than their parents believed their children had witnessed.⁵

In addition, many children become direct victims, swept up in the actual violent act. That is the case in our County as well. In the process of collecting data for this report Court Watch volunteers identified many cases in which a child was directly caught up in domestic violence, including an infant in the arms of her mother when she was punched in the face; an adolescent son who was hurt while defending his mother from his father; and children who were physically dragged from their mother's car during a violent argument over visitation.

A large and growing body of scientific research indicates that during childhood, when the brain is still developing fundamental systems and pathways, trauma such as domestic violence actually alters the physical structure of a young child's brain, retarding the ability to develop many essential skills such as the ability to concentrate and to reason.⁶ As they grow, such children are at heightened risk for serious health problems such as substance abuse, obesity, cancer, heart disease, and depression.⁷

Girls who witness domestic violence or are physically abused are twice as likely to become domestic violence victims when they reach adulthood.⁸ Boys who witness domestic violence are twice as likely to become domestic violence perpetrators or be violent in other contexts than boys who do not witness such violence.⁹

Current research from the Centers for Disease Control (CDC) suggests that there are things courts can do that “have a significant protective effect on the intergenerational transmission of violence.”¹⁰ Safety, stability, and nurturance in children's social and physical environments protect children, promote development and appear to actually break the cycle of violence in many cases.

This report provides data about court procedures that significantly impact the safety, stability, and nurturance available to children from homes where domestic violence occurs. The judges in our courts make a range of daily decisions that can affect whether children are able to heal from experiencing violence in their homes. These include

decisions not just about whether or not to grant protective orders to the parental victim of abuse, but also how judges craft visitation provisions, whether they order offenders to attend batterer intervention programs, and whether they require children to attend Montgomery County's excellent domestic violence child counseling program.

Maryland state law requires that judicial decisions about child custody and visitation be made "in the best interests of the child."¹¹ Exactly what that standard means and what it requires of judges is a subject of extensive debate. It is not our intent to codify exactly how judges should interpret that standard. We do, however, wish to raise important questions about whether that standard is being met consistently in domestic violence protective orders being issued in Montgomery County.

Our report focuses on protective order proceedings in Montgomery County's Circuit Court. The Circuit Court handles major civil cases, serious criminal matters, and family matters including juvenile, custody, child support, and divorce cases. The Circuit Court handles almost one-third of the County's protective order cases, which are often linked to cases involving divorce or child custody.

In the 2012 fiscal year over 850 county residents requested legal protection from domestic violence through the Montgomery County Circuit Court. Montgomery County is also home to two lower District Courts, which together handled an additional 2,200 protective orders that same fiscal year.¹² We provide more detail on Circuit Court and the protective order process in Appendix 1.

This report is based on careful monitoring work done by dozens of citizen volunteers. The report covers 225 protective order cases heard at Circuit Court between September 2012 and the end of September 2013. Over 90% of cases we monitored involved families with children. Volunteers observed hearings held by 19 different judges. This report looks at the data in aggregate. We are unable to provide data on individual judges at this time; more data is needed for that and Court Watch Montgomery volunteers continue to observe new cases.

Recommendations in this report are based on our data, "best practices" guidelines that judges themselves have developed through the National Council of Juvenile and Family Court Judges (NCJFCJ), an extensive review of literature in the field and inquiries of experts in the field. A description of our methodology is available in Appendix II.

Major Findings and Recommendations

This is the first Court Watch Montgomery report to include recommendations addressed to the County Executive, County Council, and the Domestic Violence Coordinating Council, as well as to judges and Maryland's Administrative Office of the Courts.

Montgomery County provides many excellent services for both adult and child domestic violence victims. Its one-stop-shop Family Justice Center has improved service coordination and has stimulated new and important projects. The County's Abused Persons Program continues to offer important victim and offender services. But our study suggests the County critically needs several additional programs and facilities in order to fully protect domestic violence victims and their children, and to answer questions such as these:

- Where are judges to send children who require supervised visitation to remain safe? Right now the county has no system or facilities for providing supervised visitation to families with protective orders. Virtually no affordable options are available through the county.
- How are ex-couples with protective orders to safely exchange children for visits without further intimidation or abuse? Right now there are no county centers that provide a safe setting where parents in an abusive relationship can exchange a child for visitation.

In many cases, the judges we observed were limited by the lack of such services available in the community. A complete and coordinated community response to domestic violence is not the responsibility of the courts alone. The lack of affordable County supervised visitation services continues to endanger the children of County residents, as we know all too well from the tragic murders in the County of Amy Castillo's three children in 2008 and of 15 month old Prince McCloud Rams in 2012, both at the hands of ex-partners.

Ultimately, however, our research suggests that Montgomery County's Circuit Court may be falling significantly short of its obligation to pursue "the best interests of the child" in cases of domestic violence. Despite many diligent efforts by Circuit Court judges, we witnessed a disturbing number of lapses: judges granting unsupervised parental visits to confirmed abusers without adequate scrutiny of parenting patterns; judges showing undue skepticism of women's claims of abuse of the children; and judges declining to consider issues like financial support and changes in visitation plans that materially affect the well-being of the children. Children in homes with domestic violence are at great risk. Both our County's courts and government need to do more.

Circuit Court judges and court administrators, like their District Court counterparts, have difficult jobs handling large numbers of very complex cases. We laud the Circuit Court's plan to open an area in the fall of 2014 where children may wait during protective order hearings so that they may avoid being further drawn in to traumatic issues between their parents. Despite the unavailability of needed County services, many judges took the time to try to cobble together workable visitation plans for divorced or separated parents to safely remain in contact with their children despite violence in the home.

Yet we saw several patterns and practices that cause us concern.

Finding 1: Domestic violence is affecting thousands of County children. Children in a full 40% of cases we monitored saw, heard, or became entangled in a domestic violence incident at their home either in the past or recently. This percentage is well below the actual proportion of children affected since monitors could only report what they heard in court, and judges virtually never asked either parent where the child or children were at the time of the incident. Over 70% of these child witnesses *were directly involved* in at least one domestic violence incident – either being directly abused or trying to protect the parent being hurt. Given the documented health impacts of being caught up in such violence or simply witnessing it, these numbers suggest a large and inadequately addressed public health problem in Montgomery County with respect to children in violent homes.

Finding 2: Judges are allowing unsupervised visitation by parents already found to be abusers, without adequate scrutiny. In many of the cases we witnessed, judges appeared to separate their conclusions about *abuse* from their conclusions about *visitation*, even though state law requires them to take the abuse into account when making such decisions.¹³ Having made a finding that the respondent, by “clear and convincing” evidence, had committed domestic violence, judges then routinely ordered *unsupervised* visits between a child and his or her father; this happened in over 70% of the cases.

Judges almost never scrutinized the respondent’s patterns of abuse with regard to the children before they made their decisions. For instance, not a single judge we monitored asked an offender what level of violence he had exposed his children to unless there was established physical child abuse. We did not hear any judge try to ascertain to what degree the father could be expected to use children as weapons against the mother. Only one judge asked a respondent if he admitted that he had an abuse problem.

Judges appeared not to take into account that visitation with a violent father – whether or not he had directly abused the child – creates a host of very serious risks for the child. These potential outcomes require more attention from the court because they directly relate to the “best interests of the child,” Maryland’s legal standard. Domestic violence is fundamentally relevant to all visitation decisions.

Finding 3: Montgomery County lacks “monitored child transfer” programs. Montgomery County lacks affordable and safe “monitored child transfer” programs where domestic violence victims can safely ferry their children to and from the abusive parent for visitation without the parent and children becoming involved in any intimidating or otherwise harmful interaction. A full 70% of petitioners expressed the desire to exchange the children in a public area.

Judges arranged transfers by third parties, usually relatives, about half the time and slightly less than half the time ordered parents to directly exchange the children in public places such as police stations, fast food restaurants or malls. Yet numerous petitioners described unwanted confrontations with offenders in parking lots before they reached the relative safety of the restaurant or other facility. Some judges told parties to “work out” details of the exchange themselves.

Finding 4: Montgomery County lacks an affordable supervised visitation center for protective order parties. Montgomery County lacks a visitation center where children’s interactions with their abusive divorced/separated parent can be safely supervised by a trained individual in protective order cases when this is deemed necessary. Judges have nowhere they can refer these families for affordable supervised visits. This is not solely the fault of the judges and the judicial system. It is a problem that the County’s legislative and executive arms need to address by developing and funding programs and resources to meet these safety concerns. The judiciary, legislative and executive branches should be cooperating to highlight and address this need.

Finding 5: Judges are not taking steps to promote supervised visitation in protective order cases. Only 21% of petitioners asked the judge to require that visits with their children be supervised; even in those relatively rare cases where the petitioner asked for supervised



Judges who granted final orders only suggested the need for supervision 1% of the time when a petitioner did not request it.

visitation, the judges denied over a third (36%) of such requests. It is unclear how many petitioners knew supervised visits were an option, how many feared that suggesting supervision would escalate the violence, and how many petitioners simply could not find a relative or friend who was willing to put in substantial time supervising visits with a respondent who they knew to be intimidating or violent. Judges in final protective order hearings suggested the need for supervision when a petitioner did not request it only 1% of the time.

Finding 6: Supervision by family and friends has serious shortcomings. Lacking other options judges, petitioners and respondents almost always chose relatives or friends to supervise visits with the respondent. While workable in some cases, supervision by relatives or friends is an incomplete – and potentially dangerous – solution at best.

There are no written or verbal guidelines for family supervisors setting out their responsibilities to the child, or how they should handle problems, such as if a respondent is inebriated or attempts to intimidate the supervisor to gain time alone with the child. Respondents are given no written or verbal guidance about how they are expected to behave with children or supervisors during visits or the possible consequences of violating those behavior standards. Judges never set status hearings to ensure visitation was proceeding safely when parties were using family members or friends to supervise visits.

Finding 7: Montgomery County's SAFE START counseling program for children is seriously underused by judges. Judges virtually never required parents to take their children to Montgomery County's excellent counseling program for children affected by abuse (SAFE START) when children had witnessed or become entangled in violent incidents. It is critical that children exposed to domestic violence be assessed for a range of traumas.

Finding 8: Judges too rarely advise abuse victims on financial remedies that are available to them and their children under Maryland's protective order statute. Judges only rarely informed domestic violence victims about financial remedies available to tide the separated mother and children over when necessary when petitioners themselves did not request it. Many petitioners may not know the option for emergency child support exists. Emergency Family Maintenance (EFM) is an essential tool that often determines whether abuse victims are able to maintain their independence. EFM can be started immediately, while regular child support often takes as long as eight months before it goes into effect.

Finding 9: Abusers are rarely sent to counseling. Offenders who judges found to have committed domestic violence were rarely sent to Montgomery County's accredited Abuser Intervention Program (AIP). Offenders who judges found to have committed domestic violence were far more likely to receive immediate and unsupervised visits with their children (this happened 70% of the time) than to be ordered to attend Montgomery County's accredited Abuser Intervention Program (this was ordered only 17% of the time). AIP programs offer a

critical reduction in re-abuse during the time an offender is in the six month program and modest longer term reductions in recidivism for offenders that complete the program.¹⁴ Offender completion rates in AIPs can be raised with significant court oversight.¹⁵

Finding 10: Judges sometimes decline to provide timely protection to children. Judges at times deferred ruling on petitioner requests for emergency changes in custody or visitation, telling petitioners those issues would be handled in their later divorce or custody case or that they should file for “permanent” custody to make changes in those areas. In doing so judges significantly limited the range of remedies given to victims of domestic violence, stopping well short of what is available under Maryland statute on an emergency basis.

Finding 11: Although judges generally demonstrated respect toward parties in protective order hearings, there is a troubling pattern of some judges second-guessing mothers. In 86% of the cases monitored, Circuit Court judges were respectful and appropriate in their demeanor and made real efforts to ensure both parties understood their orders. Some judges, however, sometimes appeared to second guess the mother’s description of risk to herself and her children, even at early-stage temporary protective order hearings. At times, the manner of these judges appeared highly skeptical, incredulous, even trivializing of the petitioner’s claims.

Finding 12: The relatively high rate of denials for protective orders in Circuit Court may endanger children. Research shows that the most effective way to protect children is to keep their mothers safe.¹⁶ Circuit Court judges denied over three times as many protective orders (16%) as their District Court counterparts did in our first two studies (5%). Although the mix of cases is different between circuit and district courts and there is no “optimal rate” for denials, we believe this discrepancy warrants more examination, since the judges at these two judicial levels operate under the exact same Maryland protective order statute.¹⁷ We recognize the evidentiary standard for granting protective orders will change to a preponderance of evidence in the fall, but the change in standard may not address the discrepancy between the courts.

“What is so unsettling about listening to hearings of the proceedings — albeit with the benefit of hindsight — is how the court seemed so skeptical of a mother’s worries but believing of a father’s claims. Is that a bias built into the family court system? That’s a question that local officials would do well to study.”

Washington Post editorial, Jan.25, 2013.

This editorial refers to a Montgomery County Circuit Court hearing in which the judge, who had awarded sole legal and primary physical custody to the mother of the 15 month old son, lifted the requirement for supervised visits. The father of Prince McLeod Rams is now charged with the child’s murder, which occurred during his fourth unsupervised visit.

Montgomery County does not have a supervised visitation center that judges can refer high-risk families to for safe visits.

Finding 13: Neither state Circuit Court administrators nor the Montgomery County Circuit Court publish timely and detailed domestic violence data online. Some state-wide protective order data (scrubbed of all personal information) are available online from the District Courts by county.¹⁸ Circuit Court data are unavailable to the public in a timely manner and in useful formats. Simple spreadsheet datasets of statewide Circuit Court protective order data would offer the public in every county an opportunity to more easily and completely compare their county's domestic violence court outcomes to those in other counties on measures such as protective orders denial or dismissal rates.

Recommendations

Recommendation 1: Judges should regularly apply the Maryland legal standard of “the best interests of the child” in protective orders when making custody and visitation decisions about children from violent homes. We urge the courts to incorporate a more in-depth assessment of a family's children as possible direct victims or witnesses of the domestic violence, and the possibility of unsafe dynamics during unsupervised visits. Judges should consider utilizing NCJFCJ's custody evaluation approach in protective order hearings, evaluating and questioning the offender about 1) the level of violence in the home; 2) to what degree he has exposed the children to his violence and 3) whether the offender uses the children as weapons against the victim parent.¹⁹ Judges should consider asking both parties: “where were the children during this and any past incidents of domestic violence?” State officials might consider adding this same question to the protective order petition to improve judges' ability to gauge the respondent's true ability to be a constructive parent in the short term, and thus ascertain the best short term interests of the child.

We urge judges to use the information garnered from these assessments and the proven facts concerning the impacts of childhood exposure to violence to accurately assess the “best interests of the child” and fully incorporate their assessment into each custody and visitation decision.

Recommendation 2: Montgomery County leaders should pursue opening one up-county and one down-county monitored child exchange program. Programs could be open from Friday through Sunday, perhaps in existing county buildings that meet such a facility's requirements. Centers would facilitate the safe exchange of children for visits between parents who have a protective order in place or need such a service.

Recommendation 3: County leaders should also pursue opening a visitation center for supervised visits. Setting up a visitation center is far more complicated and expensive than an exchange program, but is equally important and county leaders should develop a plan to establish one that is accessible and affordable for families in urgent situations.

Recommendation 4: The Circuit Court should develop simple verbal and written guidelines for relatives and other untrained supervisors. Judges should ensure that a supervisor understands that their responsibility is to the child, not to either party in the case.

Untrained supervisors should be given guidance on handling problems such as inebriated respondents or intimidation. Supervisors and petitioners should be strongly encouraged to notify the court immediately if there are violations of the order or guidelines that they feel put the child or themselves at risk. Respondents should be required to comply with basic guidelines, such as being courteous, non-threatening, sober, and having visits only within the exact hours stipulated in the order.

Recommendation 5: Judges should not defer action on immediate remedies available to petitioners.



Decisions about emergency family maintenance and emergency changes in visitation plans or custody should not be postponed until the larger family case moves forward. Judges should fully empower victims of domestic violence with the tools they need to be safe and survive independently. Victims are deserving of every relief under Maryland's protective order law whether or not there is or was a long-term custody or divorce case moving through the court as well. Most petitioners simply cannot wait.

Recommendation 6: Judges should more frequently require children who have witnessed domestic violence to attend the county's excellent SAFE START program.

Child counseling can be an important factor in boosting children's resilience. Absent a court requirement offenders are able to block mothers pursuing such treatment.

Recommendation 7: Many more domestic violence offenders should be sent to the accredited county Abuser Intervention Program (AIP). There they can learn practical methods for dealing with power and control issues, practice empathy, consider gender roles, learn how domestic violence affects their children, and how to recognize the onset of violent urges. Judges might consider setting a status hearing in one or two months in a subset of cases where facts in evidence indicate heightened risk to the children and more regularly describing the court's strong desire that the offender sign up for the offender program within the week and complete the full program.

Without additional funds to increase the capacity of the Abused Persons Program to manage and enlarge the Abuser Intervention Program, large increases in court referrals will drain funds currently designated for victim services.

Recommendation 8: Judges should consider in certain severe cases ordering a temporary visitation hiatus, or "child adjustment period," to boost child resilience before beginning visits, particularly until more affordable professional supervisors are available.

According to the CDC, safe, secure, nurturing relationships (SSNRs) boost children's resilience from trauma and can help break the cycle of violence.²⁰ For both children and adults, just seeing a person who provoked previous trauma can be traumatic. Such a hiatus may be appropriate when the abuser is unstable, incarcerated, extremely violent, and abusive to the children or when the children express a sincere desire not to see the abusive parent. If judges feel they do not have the legal authority to do so, the state legislature should consider explicitly

providing them this option. When there is a conflict between a parent's right to access and the right of a child to be protected, the child should be protected.

Recommendation 9: The Maryland Administrative Office of the Courts should provide detailed monthly and annual protective order statistics online by county in simple formats useable for research, such as Excel spreadsheets. Putting data scrubbed of all personal information on state and county open data websites such as <https://data.montgomerycountymd.gov> and <https://data.maryland.gov/> can create many types of value for residents and better connect them to how their judiciary operates with regard to domestic violence.

Recommendation 10: Domestic violence training for judges should be mandatory. Circuit Court judges should be required to attend training on the dynamics of domestic violence, including the impact of witnessing domestic violence on children, how it affects children at different developmental stages, and issues that are common to batterers as parents.

Endnotes for executive summary

1. U.S. Census Bureau, DP-1. Profile of general demographic characteristics: 2010, Census 2010 Summary File, Montgomery County Maryland.

Tjaden, Patricia & Nancy Thoennes. National Institute of Justice and Centers for Disease Control and Prevention. "Extent, nature, and consequences of intimate partner violence: findings from the National Violence Against Women Survey", 2000.

The most conservative population rate of domestic violence for women over 18 in the U.S. is 1.3%, (see NIJ and CDC report). The figure for numbers of women abused over their lifetimes in the county was arrived at by applying the national lifetime domestic violence rate, 22.1% (NIJ, CDC report).

2. Maryland Network Against Domestic Violence. <http://mnadv.org/mnadvWeb/wp-content/uploads/2011/07/2014-Memorial-Fact-Sheet-Letter4.png>. 2014.

3. For purposes of this report we refer to victims as female, but men as well as women can be domestic violence victims. In fact, 40% of gay and bisexual men are expected to experience abuse at the hands of an intimate partner at some point in their lives (see Greenwood, 2002). Women are the victims of the vast majority of serious heterosexual partner violence (see Logan, T.K., Walker, Robert et al. 2009; Rennison & Welchans, 2000; and Tjaden 2000). Female victims tend to sustain more serious injuries. Injuries to male heterosexual victims are often due to self-defense on the part of the female partner. In 70-80% of intimate partner homicides, no matter which partner was killed, the man was determined to have physically abused the woman prior to the murder.

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4. Carlson, Bonnie. Children exposed to intimate partner violence: research findings and implications for intervention. Trauma, Violence, & Abuse, Vol. 1(4): 321-42. 2000.

5. Osofsky, Joy. "Prevalence of children's exposure to domestic violence and child maltreatment: implications for prevention and intervention. Clinical Child and Family Psychology Review, Vol. 6, No. 3, September 2003.

6. Perry, B.D. Traumatized children: How childhood trauma influences brain development. The Journal of the California Alliance for the Mentally Ill 11:1, 48-51, 2000.

7. Fantuzzo, John, Robert Boruch, et al. "Domestic violence and children: prevalence and risk in five major U.S. cities. Journal of the American Academy of Child and Adolescent Psychiatry.

8. Whitfield, C., R.F. Anda et al. Violent childhood experiences and the risk of intimate partner violence in adults; assessment in a large health maintenance organization. Journal of Interpersonal Violence. 18(2): 166-185. 2003.

9. Ibid.

10. Merrick, Melissa, Rebecca T. Leeb, Rosalyn D. Lee, Editors. CDC special supplement: Interrupting child maltreatment across generations through safe, stable, nurturing relationships. Journal of Adolescent Health. Vol. 53, Issue 4. Numerous papers in this supplement examine the role of safe, stable, nurturing relationships (SSNRs) in breaking the cycle of child maltreatment. 2013.
<http://www.cdc.gov/violenceprevention/childmaltreatment/interrupting-child-maltreatment.html>

11. Decisions as to children custody and visitation are governed by the best interests of the child. See in re Karl H, 394 Md. 402, at 219, 731 A.2d 662 (noting that the best interests standard applies to custody as well as visitation, "because visitation 'is considered to be a form of temporary custody.'") (citations omitted). Giffen v. Crane, 351 Md. 133, 145, 718 A.2d 1029 (1998) (The court's exercise of discretion must be guided first, and foremost, by what is elieve would promote the child's best interest...) Indeed, the child's best interest is of "transcendent importance." In re Adoption No.10941, 335 Md. 99, 114, 642 A.2d 301 (1994). See Sider v. Sider, 334 Md. 512, 533, 639 A.2d 076 (1994); Monroe v. Monroe, 329 Md. 758, 769, 621 A.2d 898 (1993); McReady v. McReady, 323 Md. 476, 481, 593 A.2d 1128 (1991). As the Court said in Taylor v. Taylor, 306 Md. 290, 303, 508 A.2d 964 (1986), the best interest standard "is the objective to which virtually all other factors speak."

12. Maryland Judiciary Annual Statistical Abstract. Fiscal Year 2012. July 1, 2011 – June 30, 2012. www.mdcourts.gov.

13. Md. Ann Code FL §9-101.1(b) states:
In a custody or visitation proceeding, the court shall consider, when deciding custody or visitation issues, evidence of abuse by a parent against:

- (1) The other parent of the party's child; [or]
- (2) The party's spouse...

Md. Ann Code FL §9-101.1(c) goes on to state:

If the court finds that a party has committed abuse against the other parent of the party's child, [or] the party's spouse, the court shall make arrangements for custody or visitation that best protect:

- (1) The child that is the subject of the proceeding; and
- (2) The victim of the abuse.

The following case relied on these statutes:

Painter v. Painter, 113 Md. App. 504 (1997). Former husband's physical and verbal abuse of former wife, son, and daughter justified trial court's limiting visitation with daughter to four hours and supervised visitation and restricting long-distance telephone conversations with daughter, where daughter was 11 years old, daughter had witnessed husband's severe physical and verbal abuse of former wife and son, and verbal abuse of daughter was severe and constant.

14. Klein, Andrew R. Practical implications of current domestic violence research: for law enforcement, prosecutors and judges. Department of Justice, National Institute of Justice. June 2009. www.ojp.usdoj.gov/nij

15. Ibid.

16. An MCADSV Report to the Missouri Children's Services Commission. Supporting battered mothers protects children: reducing the effects of domestic violence on children. 2011.

17. The cases that CWM monitored are not a truly random sample of the protection order cases in Circuit Court over the past year, in that CWM did not use truly randomized sampling techniques to select the cases it monitored. At the same time, the cases CWM monitored were selected without any obvious bias, since volunteers simply observed all relevant cases on pre-assigned days. In all, CWM monitored 225 protective order cases of approximately 850 such cases heard in Circuit Court during the one-year period. Had this been a genuinely random sample, the margin of sampling error on our results would be approximately 5.6% (applying a finite population adjustment, to reflect that the cases we observed represented a relatively large share of the total cases). The margin of error for comparing the denial rates between District and Circuit Courts is somewhat less, due to the larger number of District Court cases monitored.

18. Dist Ct online site for stats, Maryland Judiciary Annual Statistical Abstract. Fiscal Year 2012. July 1, 2011 – June 30, 2012. www.mdcourts.gov.

19. The National Council of Juvenile and Family Court Judges. "A judicial guide to child safety in custody cases". Reno, Nevada. 2008.

20. Merrick, 2013. Op. cit.