

**Testimony in Support of HB 700 / SB 823**  
**Family Law – Protective Orders – Burden of Proof**  
**Submitted by Amy Castillo, M.D.**  
**February 25, 2010**

Dear Chairman Vallario and Members of the House Judiciary Committee:

Thank you for the opportunity to testify in support of HB 700 which would lower the burden of proof from “clear and convincing” to “preponderance of the evidence” for Final Protective Orders in Maryland.

My name is Amy Castillo, and I am the pediatrician and mother whose children were drowned by their father in March 2008. I want to thank you for letting me come testify today as to my own experience with protective orders.

Three years ago, I spent Christmas Eve and Christmas day at the Commissioner’s Office trying to get a protective order because my husband, Mark Castillo, had told me that the worst thing he could do to me would be to kill the children, and not me, so that I would have to live without them. Also, he took Austin, who was then 3 years of age, out of his bed and out the door, and told me afterwards on the phone that he would not tell me where they were going, where they were staying, or when Austin would be back.

On January 10<sup>th</sup>, 2007, while trying to get a final Protective Order, I was telling the Judge how 6 months prior Mark had been involuntarily admitted to a psychiatric hospital for a suicide attempt and manic-like destructive behaviors, and how he still was having mental health issues and had refused to get any help. He also was living in a car at the time and not working on any kind of regular basis. He was already very angry at me because he blamed me for being placed in the psychiatric hospital and for taking his children away.

Some excerpts from the transcript:

“He told me he could make it more difficult for me after I had the children.”

“He said he could sabotage the house if he wanted to.”

“He told me what could be worse is if he killed all of us, and then he said actually worse than that, if he killed the children and not me so that I would have to live without them.”

“I see him being more upset and frustrated and angry and saying, 'What does it matter anymore'. So that is why it really concerns me.”

“I called the police, I went to court, and nobody would help me with this situation.”

“I’m not going to wait until they get hurt to take them away.”

My attorney asked me, “Do you feel safe in your home?” I said “no.”

My attorney asked me “Are you still residing there?’ And I said “No, I am not. The locks are broken out. The window’s broken out. The deadbolt’s been broken, and so I don’t feel safe living in the house because of the conflict we are having.”

My attorney asked if I was fearful that he may at some point harm me and the children. I answered “Yes.”

My attorney asked me, “Are you worried for the physical safety of your children?’ And I answered, “Yes.”

Mark said during the hearing, “I wanted to help myself deal with my wife, who was able to get me very angry. With these protective orders as well, I got more angry.”

The judge stated that, “There is not clear and convincing evidence that the alleged acts of abuse occurred.”

The judge also said, “I am concerned about the three children in this case, and I am concerned about the situation that they are in.”

At this time, I had been living in a hotel and at a friend’s house because I was scared to stay in my own home after filing for the Temporary Protective Order. When Mark found out about the Temporary Order filing, he was much angrier at me. I was afraid he might hurt us, or kidnap the children, and the nanny was afraid to come to the house anymore to watch the kids.

On January 10<sup>th</sup> 2007, the final Protective Order was not granted, and it left Mark twice as angry, and took everything up a notch, and I was left unprotected. The situation now was worse. Over the next 15 months, as I continued to fight for my husband’s mental health and for the safety of myself and the children, I did not try again to pursue a protective order, as I found the whole process to have been a damaging experience and useless attempt. I actually started hiding the children in other people's homes for protection so Mark could not find them, instead of trying to seek protective orders, and then was sanctioned for not following proper procedure.

On March 29<sup>th</sup>, 2008 Mark Castillo drowned Anthony who was 6, Austin who was 4, and Athena who was 2 years of age in a bathtub in a hotel in Baltimore.

I am not saying that this situation alone led to the death of my children. I tried many more times to get help for my family. However, I do feel that there is a great discrepancy in this state between the encouragement to come forward to fight against abuse and the ability to actually get protection. This contradiction is a discouragement for people to make the move to get out of a frightening situation, and some just stay in an unsafe environment. I would never want to see any parent, father or mother, have to go through the Hell that I have been through, and that my children went through. I am hoping that a change in the ability to get a protective order will make a difference in other children’s lives in the future.

Respectfully submitted,

Amy Castillo, M.D.