

TestimonySB13.pdf

Uploaded by: Anne Hoyer

Position: FAV

Good Afternoon, Chairman and distinguished committee members,

I am Anne Hoyer. I have worked in the Maryland Secretary of State's Office for nine years. My primary role was developing and heading up the Safe at Home Program which provides a lifesaving tool for victims of violence. A large percentage of those individuals found themselves in family custody court, for obvious reasons. Prior to my position with the State, I worked with multiple organizations and experts who work in the child abuse and domestic violence arena. Since 2005, I have been engaged in conversation with protective parents (both men and women) who were and are desperately seeking protection and justice through our court system. Many of these cases have a commonality in that system errors and beliefs have left them in the same situation if not worse.

In 2018, I was honored to be appointed to a legislated workgroup. SB13 is a product from that Workgroup. This group was charged with seeking out common sense solutions to address the challenges family courts are faced with when overseeing custody cases where allegations of abuse or domestic violence is alleged. As anyone can imagine, these cases are far from easy and very complex.

One of the recommendations was to provide training and awareness to custody evaluators. As well as, establishing the necessary qualifications needed when making life altering recommendations for children and families. These training subject matters can be the difference between a life of abuse or in some cases death.

I want to thank you for allowing me to speak today and I urge a favorable vote on SB13.

--

|

SB0013 Testimony_Twigg.pdf

Uploaded by: Heather Twigg

Position: FAV

January 30, 2023

Senator Carozza

11 Bladen St, Room 314

James Office Building

Annapolis, MD 21401

SB0013 – Family Law - Custody Evaluators – Qualifications and Training

I am in high favor of the above referenced bill; due to the ongoing abuse I continue to battle not only for myself, but for my innocent girl's ages 8 and 3. Since my last testimony was shared on 2/4/22 for SB0017, the abuse has intensified. The false assault charge from my former mother in law was placed in the stet docket. My attorney assured me it would be formally dismissed between March and November 2023. I still regret not taking it to trial in hopes to prove their legal abuse. I was traumatized by this experience, as I had no choice but to sit in on a jury trial for a real assault that day. The abuser was sentenced to 10 years in prison for strangling and holding his girlfriend hostage for 5 days. I was seated directly behind his mother, watching as she sobbed uncontrollably. I was most certainly in a place I did not belong and realize this was done intentionally. I will never forget these wasted hours spent in court rooms, time away from my youngest child that I will never get back.

The stalking and harassment have caused me to move to a secluded location away from the public road, just minutes over the Maryland line. I gave a 90 day written notice of intent to move to West Virginia on May 30, 2022, per our custody consent order. This was the only part of the order that he contributed to and would not agree to it unless this clause was added. This decision to move enraged my children's father, as he and his family would no longer be able to drive by to try and intimidate me. He made every part of this process difficult from the paperwork to keep our oldest daughter in the same school, to refusing to keep their health insurance in Maryland so she wouldn't have to switch her therapist, using HRDC Head Start instead of me for childcare (first right of refusal), and now two contempt charges. He sent our oldest to school with Covid after I informed him she had a fever the night before, stating she "feels fine." He literally agrees to nothing, unless it is a benefit to him.

In June 2022, I received a phone call from a number I did not recognize. I let it go to voicemail. Then, I received a text from the same number stating they were not a telemarketer, but a mediator who was contacted by my children's father. We had not discussed getting neither a new mediator nor any changes that we wanted to make, which our court order states we are to thoroughly discuss any changes prior to mediation. I was pleased with the first mediator we used, but as usual; he had an issue with him and requested a "new set of eyes." I didn't argue and went along, which I now regret. The new mediator, who is not certified by the Maryland Program for Mediator Excellence, communicated with both parties for 30 days via three forms of communication. On the day of the scheduled mediation session, she canceled via email 2 hours prior. She had a phone call with him the day prior, giving him my list of modification requests. This is exactly what he wanted so he could continue to paint me out to be a negative and uncooperative co-parent. The mediator did not give me any of his requested changes because she did not hold her word and call me at the scheduled time we agreed on. She gave legal advice, encouraged him to file contempt, and threatened me. I reported this mediator to the Allegany County Circuit Court Family Services Coordinator the following week, not only for her misconduct, but also the biased and unprofessional approach in this high conflict situation. This only escalated the difficult communication between the co-parents.

Two months later, I was served with two charges of contempt and a petition to modify the custody order. The contempt charges are for not doing FaceTime every night and changing a vacation week to be with my family during the unexpected death of my 8 year old nephew who was in a new trial for a leukemia treatment. He had a rare reaction to the treatment. A decent human being with empathy would not do this to the mother of his children. A real human would be kind, by understanding how important family is; especially, a person who is a licensed therapist. My girls are being robbed of a healthy mother because of the constant counter parenting that is occurring. We do not have a co-parenting relationship and it is going on year 4. We rarely speak to each other. All communication is through Talking Parents, a platform for actual co-parents. He uses this to abuse me further, actions not matching words; name calling, belittling and falsely accusing me of anything he can to try and get me to react in an effort to make me appear "unstable." He does not keep me fully informed of their general health and welfare (also in our court order). I take them to every dental and doctor appointment. He has recently admitted to giving them melatonin. Now, my youngest lies down in bed asking for it on a regular basis. She opened up to me in the car riding home on Friday night and said "Daddy said Mommy is saying nasty things about me." This occurred two days after he sent me a harassing message regarding a post he read online assuming it was about him (stalking via social media), twisting the story and falsely accusing me of calling him names. The girls come home regularly and say "I miss my daddy, I want my daddy" after spending the whole weekend with him. Another difficult aspect is his mother, who spends more time with the girls than he does, plans their activities, buying them whatever they want, feeding and bathing them, even

has a wardrobe for them. They often tell me they get separated when they go to their Dad's and that they don't like being separated. I cannot get them on a good sleep routine because he sleeps with the TV on, turned up loud and the girls are still sleeping with us. This in turn, is affecting their overall moods and behaviors. Not once did a custody evaluator speak to me or my girls before or after we signed a custody consent order in September 2020. This should have never been overlooked after all of the evidence of addiction was presented to my divorce attorney. This process must change, it has to. Parents and children are suffering because of the lack of knowledge, training and experience to recognize what unhealthy behaviors are developed as a result of domestic violence and addiction. My children deserve so much better than this. They deserve unconditional, safe love away from manipulation and coercive control. My children deserve to be just that; children. That is the opposite of what is happening to them when they are not in my care. Please consider my ongoing situation as proof that this bill is crucial for our children and protective parents. It is necessary and highly favored. Our children are the future. Thank you for your time and attention to this urgent crisis.

Heather Twigg

Protective parent, DV advocate & survivor

West Virginia, former resident of Maryland

240-362-4554

SB 13_Written Testimony_Custoday Evaluation_by J S

Uploaded by: Jen Shaw

Position: FAV

January 31, 2023

SB13: Family Law: Custody Evaluators – Qualifications and Training

Written Testimony, Jennifer Shaw, Psy.D.

Thank you for this opportunity to share a child-centered perspective SB 13.

It is imperative that all stakeholders in a position to change the trajectory of a child's life understand that child abuse and neglect is a traumatic brain injury. Whether that injury is a temporary disruption of development or a wound that neuroscience confirms will persist throughout the lifespan depends on what we do as soon as the wound is discovered. In cases of custody, separation from an abusive parent often follows such a discovery. This separation from a parent places a life-altering decision in the hands of courts. An injured child's rehabilitation needs must be the priority of anyone tasked with determining the environment best suited to both safety and recovery needs.

While the implications of this bill are complex, the request today is simply to ensure that this determination only be made by a professional with sufficient training to identify the complex implications on a child's brain when harm done is ignored and warning signs for further harm are not heeded.

On behalf of all those dedicated to both the protection and restoration of children (social workers, child advocates, protective parents, forensic interviewers, teachers and counselors, and child therapists), I ask you to consider a traumatized child cannot recover until her home proves to be a space of physical and psychological safety.

We ask you to accept the science: children cannot begin to heal until they are safe, feel safe consistently, and custodial decision-making is based on a parent's capacity to prioritize research-informed recovery needs.

We cannot begin our work when a child's right to safety is postponed, or considered secondary to an adult's right to parent, or deemed debatable as they wait for a final custody determination.

For providers and court advocates, our most important job is to put adult words to the suffering of children, including making recommendations so that their adult stewards prioritize them above all else. Some children are too young to know the words, others have learned their words won't make a difference, and others reserve them for when the world proves that their safety is the priority. We serve as trained translators for children; today we ask that all custody evaluators be asked to learn the same language before offering a recommendation for custody and visitation in cases involving an abuse allegation.

This bill proposes that evaluations must be based on what injured children need most: not the perfect parent, or the one with more financial resources, or the one most equipped to present their case in a courtroom, but one with the greatest capacity to create a safe, secure, and predictable home; an environment most conducive for emotional and psychological rehabilitation, one that can be reasonably predicted to do no further harm and can invite an injured brain to resume typical development.

Whether or not a child heals depends much less on the approach of a therapist or the resiliency of a child but much more on what their world does next.

We all know children are incredibly resilient. However, we cannot rely on a capacity for resilience as justification for a passive response to an active threat to that very capacity. A developing brain

either explores or retreats; thrives or survives; attaches to a healthy ally or learns the risk of harm or rejection is just too great. It can grow in the direction of tomorrow or first wait to see if tomorrow is a safe place to be. They are resilient but creating conditions to activate that resilience is on us. In most cases, children survive abuse but let's give injured children a chance to consider that their present circumstance is temporary, and the future is not determined by what has happened but rather how the world responded when it did.

As you consider SB 13, I offer an adult voice to just one of many little voices that was never heard in court.

Until a custody evaluator's report to the court could be finalized, and the protective parent could borrow enough money to pay her share of the unaffordable report, 5-year-old Liam was ordered to continue his Wednesday evenings and every other weekend visit with his father. Liam had done what we tell children to do, to tell a trusted adult if hurt or touched inappropriately. He trusted his mother most of all. Liam told his mom, his teacher, started touching his Pre-K classmates, and asked his therapist to play the penis game. A motion to deny visitation was to be considered at a future date as Liam's mother was told she had to continue dropping him off even when he screamed and hid when it was time to go. He was interviewed once by a stranger and refused to speak. Liam had already told the stories and the forensic interviewer was well-qualified but had no relationship with him.

We seem to forget we don't tell children to wait for a forensic interview with a stranger before saying they have been harmed. We don't tell them to stop sharing with us because we could be accused of coaching. We don't stop a disclosure of sexual abuse and tell them to wait until they visit an expert stranger. Telling his trusted adult, the protective parent, was considered an unfounded allegation because it was not repeated on camera and first told to his mother. From then on, with help from his attorney, Liam's abuser argued he was a victim of parental alienation. The protective parent did seek to alienate her child, as we all would if our child disclosed repeated sexual abuse while displaying all signs and symptoms consistent with the disclosure. Failing to protect includes failing to alienate him from his abuser.

All subsequent court hearings centered on Liam's mother attempting to prove she was not the one who harmed her son. The court-ordered evaluator had no training in child development or child abuse, including what would have made all the difference for Liam – understanding the neuroscience behind recognizing signs of symptoms of sexual abuse in young children. The evaluator did not talk with his daycare provider, teacher, or his therapist. The person with the most information about Liam's change in behavior and functioning was his mother, his full-time caregiver. Yet her data was an opinion deemed as credible as his abuser's denial.

Liam's father was wealthy; he hired a team of attorneys. He paid travel expenses for experts who testified on his father's behalf, including one who argued a 5-year-old believed in Santa Claus and the tooth fairy so we can't expect him to tell the difference between truth and fantasy. His mother drained her 401K and sold her home. Now traumatized and feeling powerless herself, she was less and less equipped to fight for Liam. Each hearing, whether continued or not, cost her up to 5K. She stopped submitting motions because she had no money to do so. While the court limited the abuser's time and court hearings were continued for one reason or another, Liam continued to travel from a place of safety to a place of danger every week. As Liam and his mother waited for a fair and child-centered hearing, Liam's father showed him his gun collection and told that his mother and his therapist would be killed if he continued to talk.

As his father grew emboldened by successful attempts to discredit his mother, Liam lost control of his bladder, clung to his mother, started hitting other children, had chronic headaches and

stomachaches, stopped learning in school, and nightmares interrupted his sleep. The only thing that helped him sleep was a trained guard dog who slept next to him every night.

The court ordered child therapy, once a week for 45 minutes as if Liam could heal when his injury was ignored or reopened in between his sessions. If any of us were assaulted and informed the police, I doubt we could function if we were then ordered to have dinner with the assailant on Wednesdays and trust him not to do it again every other weekend, at least until our case could be heard in court next year. No one would pick us up and force us out of the car until the accused had a fair hearing. We would not survive psychologically, and we have adult brain capacity.

Whether or not a child heals does not depend on the type of therapy he receives; rehabilitation depends on how the world responds once the visible or invisible wound is discovered. In short, this bill is part of a comprehensive but common-sense effort to ensure no child citizen's right to safety is postponed and no protective parent needs to buy a guard dog, find a pro-bono attorney and pro-bono therapist, or is asked to choose between handing her injured child to an abuser, or be threatened with contempt of court for refusing to do so. Liam was not safe until he was 8 years old, only after physical evidence was considered sufficient for the court to stop requiring Liam to have dinner with his abuser on Wednesdays and trust him every other weekend. This was a full 3 years after he first showed his mom and his therapist how to play the penis game.

Today, you're hearing all the reasons why this bill is so important. I ask you to consider the impact on the recovery of a traumatized child should we fail to require child or custody evaluators sufficient training in all relevant areas of child abuse.

Thank you,

Jennifer Shaw, Psy.D.

Spearman_SB 13_013123.pdf

Uploaded by: Kathryn Spearman

Position: FAV

Testimony
of
Kathryn J. Spearman, MSN, RN
In support of Maryland SB 13
Baltimore, MD

Family court judicial decisions are a profound social determinant of health for children. A judge decides where a child will live, with whom, who can consent for medical and mental health care, and who pays for health insurance. A judge can even decide who, where when or if a child can have contact with people in the child's support system, including a protective parent and their extended family.

Judges rely heavily on what a custody evaluator say about these issues.

A qualitative study by Haselschwerdt et al. (2011) found that among custody evaluators who have not had training in domestic violence, these custody evaluators believed that 40-80% of their case load involves false allegations.

Training is simply information. It helps professionals think critically about issues. We require specialized training for many professions.

Custody evaluators, who are tasked with making decisions that will impact a child for the rest of their life, need to have the best possible evidence-based information on how domestic violence, coercive control, and child maltreatment impact a child's neurodevelopment.

When the custody evaluator in my own case was asked under oath about her qualifications:

Q. Did you take any course only focused on any type of sexual or domestic violence?

CE: No.

Q. Did you ever evaluate a child to see if he or she was a victim of any type of abuse?

CE: No.

Q. ... Have you ever been qualified as an expert in any type of child abuse?

CE: No.

Q. Have you ever been qualified as an expert in domestic violence?

CE: No.

Yet, the judge in his oral ruling said: "*I know that there was testimony suggesting that [the custody evaluator] did not have the requisite knowledge, training and skills to perform this evaluation. **I disagree**... I do find [the custody evaluator's] testimony credible and afford it great weight.*"

Custody evaluators need training on these issues because when abuse, coercive control, and intimate terrorism are minimized or not believed or conflated with "conflict", the wrong recommendations for children may be made to the court.

Without nuanced understanding of domestic violence dynamics, custody evaluators may place children and/or their protective parents in unsafe – and potentially lethal – situations.

This is the third year this bill has been presented to this committee. I urge you to please pass this bill for the sake of the best interests of children in the state of Maryland, who deserve to have Custody Evaluators with the requisite knowledge and training on the often subtle signs of domestic violence, coercive control, and child abuse.

Had custody evaluators had this training, it would have made a meaningful difference in the lives of many children, including my own.

References

- Haselschwerdt, M. L., Hardesty, J. L., & Hans, J. D. (2011). Custody Evaluators' Beliefs About Domestic Violence Allegations During Divorce: Feminist and Family Violence Perspectives. *Journal of Interpersonal Violence*, 26(8), 1694-1719.
<https://doi.org/10.1177/0886260510370599>
- Saunders, D. G. (2015). Research based recommendations for child custody evaluation practices and policies in cases of intimate partner violence. *Journal of Child Custody*, 12, 71-92.
<https://doi.org/10.1080/15379418.2015.1037052>
- Saunders, D. G., Tolman, R. M., & Faller, K. C. (2013). Factors associated with child custody evaluators' recommendations in cases of intimate partner violence. *J Fam Psychol*, 27(3), 473-483. <https://doi.org/10.1037/a0032164>

Offered Amendment - Senator Carozza.pdf

Uploaded by: Senator Mary Beth Carozza

Position: FAV



SB0013/203722/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

30 JAN 23
14:49:06

BY: Senator Carozza
(To be offered in the Judicial Proceedings Committee)

AMENDMENT TO SENATE BILL 13
(First Reading File Bill)

On page 2, in line 21, after “WITH” insert “AT LEAST ONE OF”.

On page 3, in line 13, strike “AND” and substitute “OR”.

On pages 3 through 5, strike in their entirety the lines beginning with line 22 on page 3 through line 21 on page 5, inclusive, and substitute:

“(I) THE IMPACT OF ADVERSE CHILDHOOD EXPERIENCES, TRAUMA, COMPLEX TRAUMA, AND CHRONIC STRESS ON A CHILD’S BRAIN DEVELOPMENT AND THE WAYS THAT A CHILD’S RESPONSE TO TRAUMA VARIES;

“(II) THE PROCESS FOR INVESTIGATING A REPORT OF SUSPECTED CHILD ABUSE OR CHILD SEXUAL ABUSE, INCLUDING:

1. THE ROLE OF CHILD ADVOCACY CENTERS AND FORENSIC INTERVIEWS;

2. THE ROLE OF LOCAL DEPARTMENTS OF SOCIAL SERVICES IN INVESTIGATING REPORTS OF SUSPECTED CHILD ABUSE AND CHILD SEXUAL ABUSE; AND

3. THE LIMITATIONS OF THE INVESTIGATION PROCESS, INCLUDING THAT CHILD ABUSE AND CHILD SEXUAL ABUSE MAY HAVE OCCURRED EVEN WITHOUT AN INDICATED FINDING OF ABUSE, PHYSICAL EVIDENCE OF ABUSE, OR A VERBAL DISCLOSURE OF ABUSE BY THE CHILD;

(III) THE DYNAMICS AND EFFECTS OF CHILD SEXUAL ABUSE, INCLUDING GROOMING BEHAVIORS AND THE DISCLOSURE OF CHILD SEXUAL ABUSE;

(IV) THE DYNAMICS AND EFFECTS OF PHYSICAL AND EMOTIONAL CHILD ABUSE;

(V) THE DYNAMICS AND EFFECTS OF DOMESTIC VIOLENCE, INCLUDING COERCIVE CONTROL, AND THAT DOMESTIC VIOLENCE CAN OCCUR WITH A PARTY SEEKING OR OBTAINING A PROTECTIVE ORDER OR WITHOUT DOCUMENTED EVIDENCE OF ABUSE;

(VI) THE IMPACT OF EXPOSURE TO DOMESTIC VIOLENCE ON CHILDREN AND THE IMPORTANCE OF CONSIDERING THE IMPACT OF EXPOSURE TO DOMESTIC VIOLENCE ON CHILDREN WHEN MAKING CHILD CUSTODY AND VISITATION DECISIONS;

(VII) THE POTENTIAL IMPACTS OF EXPLICIT AND IMPLICIT BIAS ON CHILD CUSTODY DECISIONS;

(VIII) BEST PRACTICES TO ENSURE THAT REASONABLE AND FEASIBLE PROTECTIVE MEASURES ARE TAKEN TO REDUCE THE RISK OF TRAUMATIZING OR RETRAUMATIZING A CHILD THROUGH THE COURT PROCESS, INCLUDING AVAILABLE METHODS FOR OBTAINING RELEVANT INFORMATION WITHOUT THE NECESSITY OF REPEATED, DETAILED TESTIMONY FROM THE CHILD;

(IX) AVAILABLE PROTECTIONS FOR FAMILIES, INCLUDING THE SEALING OF RECORDS;

(X) THE BENEFITS AND LIMITATIONS OF SEXUAL OFFENDER EVALUATIONS AND RISK ASSESSMENTS;

(XI) THE TOOLS A COURT CAN USE TO ASSESS THE CREDIBILITY OF A CHILD WITNESS;

(XII) STANDARDS FOR THE KNOWLEDGE, EXPERIENCE, AND QUALIFICATIONS OF CHILD SEXUAL ABUSE EVALUATORS AND TREATMENT PROVIDERS; AND

(XIII) ANY OTHER RELEVANT SUBJECT MATTER.”.

SB 13 - Carozza Testimony_FINAL.pdf

Uploaded by: Senator Mary Beth Carozza

Position: FAV

MARY BETH CAROZZA
Legislative District 38
Somerset, Wicomico,
and Worcester Counties

Education, Energy, and
the Environment Committee

Executive Nominations Committee



Annapolis Office
James Senate Office Building
11 Bladen Street, Room 316
Annapolis, Maryland 21401
410-841-3645 · 301-858-3645
800-492-7122 Ext. 3645
Fax 410-841-3006 · 301-858-3006
MaryBeth.Carozza@senate.state.md.us

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

January 31, 2023

The Senate Judicial Proceedings Committee

**SB 13 Family Law- Custody Evaluators-Qualifications and Training Statement
of Support by Bill Sponsor Senator Mary Beth Carozza**

Thank you Chair Smith, Vice Chair Waldstreicher, and members of the distinguished Senate Judicial Proceedings Committee for this opportunity to present Senate Bill 13 as amended, Custody Evaluators – Qualifications and Training, and to respectfully ask for your support for this bill which would help ensure the safety and well-being of children and protective parents involved in State custody proceedings involving child abuse or domestic violence allegations.

Serving on the Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations has been one of my most important public service assignments, given the magnitude of the trauma that many children and protective parents experience going through court custody proceedings involving child abuse or domestic violence allegations. I have continued working on domestic violence issues and advocating for children with my appointment to the Governor’s Family Violence Council in 2021.

My bill, co-sponsored by Senator Chris West and former Senator and Workgroup Member Susan Lee, focuses on the Workgroup’s recommendations dealing with custody evaluators. After hearing from parents, advocates, and legal child custody experts over the past four years, it has become clear that there is clear need for consistent qualifications or training for custody evaluators. This is especially concerning when the courts follow the recommendations in the custody evaluations in over 90 percent of custody cases.

Since my involvement with the Workgroup and after my first introduction of this bill in 2021, I have heard from many parents and child advocacy groups who have shared numerous stories and cases where qualifications and training of the child custody evaluators would have made all the difference in the child’s life. This bill is all about putting the child first.

This bill simply requires that certain qualifications and training requirements be met before an individual may serve as a court custody evaluator in these most sensitive cases involving child abuse and domestic violence allegations.

I know this Committee recognizes that custody evaluators have an important role in assisting family law courts in determining custody outcomes in some of the most sensitive and difficult cases involving allegations of domestic violence and child abuse. We have an obligation to ensure a custody evaluator

meets certain qualifications and has completed 20 hours of training and five hours of continued training every two years.

This is the third year in presenting this legislation to this Committee, and it is time to pass this commonsense bill which simply ensures that our child custody evaluators, dealing with some of the most traumatic cases impacting our children, will meet basic qualifications and training requirements.

Last session, this Committee and the Maryland General Assembly approved Senate Bill 17 sponsored by Senator Chris West requiring training for judges and magistrates presiding over child custody cases involving child abuse or domestic violence. It only makes sense that child custody evaluators be trained along the same lines as the judges, especially given the heavy reliance of judges on the recommendations of child custody evaluators.

During last year's SB 17 deliberations, several concessions were made to accommodate the concerns of the Maryland Judiciary, and we have taken this same approach this year with SB 13. In an effort to work in good faith with the Judiciary, we have amended SB 13 to be consistent with the training requirements in SB 17, including reducing the number of hours of training from 60 to 20 hours.

The question has been raised whether the child custody evaluators qualifications and training requirements should be in a Rule or in a statute. When we think about the many qualifications and training bills that the Maryland General Assembly approves that impact positions NOT dealing with our most precious resource, our children, I believe we as legislators have an obligation to enact the child custody evaluators qualifications and training bill into law.

To share a little perspective, the Maryland General Assembly two years ago unanimously approved SB 159 sponsored by Vice Chair Waldstreicher to require education and training requirements for animal control officers. This bill required 80 hours of training and 6 hours of continued training every two years for animal control officers, which is far less than the 20 hours of training required of judges and child custody evaluators.

Now is the time to move forward in approving SB 13 this session to ensure that child custody evaluators meet certain qualification and training requirements which would result in better protecting the safety and well-being of those children, many of whom are experiencing trauma, as they go through a custody court proceeding involving child abuse or domestic violence allegations.

Mr. Chair and Vice Chair, I respectfully urge the Senate Judicial Proceedings Committee Members for a favorable report on Senate Bill 13. Thank you for your kind attention and consideration.

SCCAN Written Testimony SB13 Custody Evaluators Qu

Uploaded by: Wendy Lane

Position: FAV



State Council on Child Abuse and Neglect (SCCAN)

Wendy G. Lane, MD, MPH, Chair

wlane@som.umaryland.edu

wlane@lifebridgehealth.org

Phone: (443) 904-2533

SCCAN is an advisory body required by Maryland Family Law Article (Section 5-7A) “to make recommendations annually to the Governor and General Assembly on matters relating to the prevention, detection, prosecution, and treatment of child abuse and neglect, including policy and training needs.”

TESTIMONY IN SUPPORT OF SB 13:

FAMILY LAW – CUSTODY EVALUATORS – QUALIFICATIONS AND TRAINING

****SUPPORT****

TO: Hon. William C. Smith, Jr. Chair, and members of the Senate Judicial Proceedings Committee

FROM: Wendy Lane, MD, MPH, Chair, State Council on Child Abuse & Neglect (SCCAN)

DATE: January 30, 2023

SCCAN, an advisory body to the Governor and General Assembly on matters relating to the prevention, detection, prosecution, and treatment on issues of child abuse and neglect, strongly supports SB 336 and other recommendations of the Workgroup to Study Custody Proceedings Involving Child Abuse or Domestic Violence Allegations. Divorce and separation, all forms of child abuse and neglect, and domestic violence are all experienced by a child as adverse childhood experiences (ACEs) which may have profound lifelong consequences on all learning, behavior, and health to follow. ***How courts address allegations of child abuse and domestic violence in the context of custody hearings is not only critical to the child’s well-being across his/her lifespan, but to the prosperity of our state as a whole.***¹

SCCAN strongly supports SB 13, Custody Evaluators – Qualifications and Training and its five key components: (1) Ensures appropriate credentialing of custody evaluators; (2) Requires mental health professionals have certain clinical experience (e.g., in family systems, domestic violence, child abuse, child development, childhood trauma, short and long-term impacts of parental separation, protective factors that promote recovery from childhood trauma) before being appointed as custody evaluators by the court ; (3) Requires professionals participate in an initial 20 hours of training prior to appointment as custody evaluators and 5 hours of training during each 2 year period thereafter; (4) Requires the court to provide parties information about the role, availability and cost of custody evaluators; and (5) Requires custody evaluators to provide policies, procedures, fees, and costs to parties in writing prior to engagement.

¹ As, child abuse and neglect costs Maryland taxpayers an estimated \$1.7 billion each year, reducing children’s exposure to ACEs makes good economic sense. For every \$1 invested in prevention, it is estimated that the state would save \$15 on treating its long-term effects. See, “An Environmental Scan of Maryland’s Efforts to Prevent Child Maltreatment”, Terry V. Shaw, Ph.D., MSW, MPH, University of Maryland, School of Social Work, 2014.

SB 13 was developed out of the work of and recommendations of the Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations established by SB567 (2019). The Workgroup consisted of subject-matter experts and advocates with vast experience in child-custody cases, child abuse, adverse childhood experiences (ACEs), and domestic violence. SCCAN's Executive Director served as a member of the Workgroup. Over the course of some 18 months, the Workgroup heard testimony from multiple experts as well as from parents who had gone through these contentious custody cases.

The Workgroup issued its 140-page report² in September 2020 adopting over 20 recommendations focused on better protecting children through such court proceedings. Testimony from experts and parents as well research before the Workgroup provided evidence that judges give extraordinary weight to custody evaluators and that custody evaluators, depending upon their training and expertise, may focus on and/or give weight to irrelevant factors.³ Additionally, custody evaluators in Maryland are granted quasi-judicial immunity, shielding them from malpractice lawsuits.⁴ This makes holding evaluators accountable to specific educational, experiential, and training standards even more important.⁵

Ensuring proper qualifications, experience and training of custody evaluators – on childhood development, trauma, various types of child and neglect and investigations, as well as the dynamics of domestic violence – is central to the very standard judges use to decide custody, i.e., “the best interest of the child”. The proposed training includes critical science about early childhood brain development, how traumatic events impacts this development, state-investigatory processes and their limits, interpersonal dynamics that contribute to abusive behavior, the validity of and need for risk assessments, and preventative measures to mitigate abuse.

Under SB 13, proposed custody evaluators would receive 20 hours of this initial training before they may undertake custody evaluations, followed by an additional five hours to be documented every two years. This is well below the 60 hours originally recommended by the Workgroup and would be a bare minimum to cover the critical subject matter enumerated in the bill.

The Workgroup also received testimony from parents that they were unaware of the existence, role, procedures, availability, and cost of custody evaluators. Especially considering the high number of *pro se* custody cases before the courts, it is critical that this information is shared both by the court and custody evaluators in writing prior to the engagement of custody evaluators.

For these reasons, SCCAN urges a favorable committee report and passage of Senate Bill 13.

²http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnChdAbuseDomViol/FinalReport_Workgroup_to_Study_Child_Custody_Court_Proceedings_Involving_Child_Abuse_or_Domestic_Violence.pdf (hereinafter “Report”).

³ Report at 35.

⁴ See *Williams v. Rappeport*, 699 F. Supp. 501, 508 (D. Md. 1988) (“Accordingly, [custody evaluators] Drs. Rappeport and Dvoskin are entitled to the protection of absolute immunity and the grant of summary judgment.”).

⁵ Timothy M. Tippins, *New York Law Journal*, “The Bar Won’t Raise Itself: The Case for Evaluation Standards,” July 8, 2013.

SB13 testimony.pdf

Uploaded by: Claudia Ovalles

Position: FWA

Currently the state of Maryland houses 11 military installations with U.S. Marines, Army, Navy, Air Force, and Coast Guard personnel. Maryland is home to over 34, 000 active duty servicemembers and reservists. Also, the state houses about 362, 000 Veterans, mostly disabled.

As part of that population many contribute to the 1.2 million deployed servicemembers (Statistica, 2021). As a Marine Corps Veteran and military spouse of a retired 22-year United States Air Force servicemember, I speak on behalf of Servicemembers and Veterans for Children's Rights aka Heroes for Children's Rights and I oppose this bill as certain language will impact servicemembers and veteran's service related trauma after returning home from deployment.

"Of the 671,809 military members married at the start of 2020, 2.8%, or 18,494, got divorced, compared to the 3.1% who divorced over 2019, according to Defense Department personnel data released to Military.com."

Because a servicemember may be gone months and maybe years at a time, the separation between the parent and child relationship impacts the family dynamic.

"The parental alienation dynamic is sometimes more acute in the military as many couples going through a high conflict divorce come from different states and even different countries.

Further exacerbating the problem are deployments and reassignments that separate parents from their children."

Conzachi, Michael (2023). Our Hero Project – **"Parental Alienation in the U.S. Military"**

In 2022, A peer reviewed study that was published in the APA journal Developmental Psychology, titled, Developmental Psychology and the Scientific Status of Parental Alienation identified 166 peer reviewed studies about PA that were published through December 2020 in ten languages. "The results confirmed that the current state of parental alienation scholarship meets three criteria of a maturing field of scientific inquiry: an expanding literature, a shift toward quantitative studies, and a growing body of research that tests theory-generated hypotheses".

The study also concluded that "it is no longer tenable to dismiss the field as lacking in scientific status."

Since there are decades of science based research on parental alienation, which I can provide, I ask that this bill be amended to not retraumatize our military servicemembers. Recently, the AFCC Association of Family and Conciliation Courts and NCJFCJ (National Council of Juvenile and Family Court Judges) issued a JOINT STATEMENT ON PARENT-CHILD CONTACT PROBLEMS in 2022, which states that parental alienation is a factor that should be taken into consideration in custody decisions. (See bullet #4 of statement). I can also provide this.

If the national organization of judges and legal professionals are putting this information out for the public, shouldn't this be an alert for a bill to disqualify what could impact so many.

As part of my testimony,

- I kindly ask that you delete page 4 lines 21-24 which perpetuate the misrepresentation that the parental alienation theory presumes that contact refusal is due to alienation and that abuse allegations are false.
- I also ask that you delete page 4 lines 33-34 and page 5 line 1.
- We agree with the MD Psychological Association's recommendations to insert the following:
"AN INDIVIDUAL MUST COMPLETE THE APPROPRIATE TRAINING DEVELOPED BY THE JUDICIARY IN CONSULTATION WITH DOMESTIC VIOLENCE AND CHILD ABUSE ORGANIZATIONS, THE MARYLAND BAR ASSOCIATION, AND REPRESENTATIVES FROM EACH OF THE LICENSED MENTAL HEALTH PROFESSIONAL ASSOCIATIONS."

Thank you for your time and thank you for your service.

Claudia Ovalles

Semper Fidelis

SB13 2023 Krawczyk Written Testimony.pdf

Uploaded by: Laurie Krawczyk

Position: FWA

RE: SB13 2023 Session Family Law-Custody Evaluations-Qualifications and Training

Support with Amendments

Laurie Melissa Krawczyk
3908 Madonna Road
Jarrettsville, MD 21084
Harford County, MD
443-243-4615
Support with Amendments

The intent of SB13 is good and has many desperately needed trainings for judges and evaluators. However, I disagree with the following sections:

Page 3

Line 8

Section 2

Part VIII

All forms of domestic violence, including sexual violence, stalking, psychological aggression **AND** **CORERCIVE CONTROL. This is CRITICAL for evaluators to intimately understand and be able to recognize the indicators of coercive control.**

Page 3

Line 10

Section 2

Part IX

The immediate and long-term impacts of parent separation on a child. ***This separation MUST also be understood from the aspect of a child being turned against, manipulated, and psychologically, emotionally, and physically coerced to reject a parent AND the symptoms associated with such separation, the covert way this manipulation is achieved, and the SEVERE PSYCHOLOGICAL and PHYSICAL impacts to the child. This is SEVERELY DEVEASTATING TO A CHILD both short and long term in the absence of founded abuse.***

Page 3

Line 14

Section 2

Part XI

Protective factors that promote a child's healthy resolution of parent separation. **What does this mean? Children are "hard wired" to love both parents, even if a parent as been abusive. This is a regularly observed phenomenon in foster care children. The loss of a parent- even a grossly deficient parent- is an incredible loss for a child.**

Children who lose a parent face lifelong struggles with self-esteem, shame, trust, and worthiness. Children do not blame the parent, rather they blame themselves:

What is wrong with me that my parent treats me this way?

What is wrong with me that mom/dad can't take care of me?

Children faced with separation from parent try harder to gain the love, support, and affection from that parent.

I do NOT support keeping a child in an abusive home, but I do support thorough investigations of ALL allegations of abuse and criminal charges for *founded* allegations and criminal charges for reporting allegations which are later proven false.

Page 4

Line 29

Section2

Part C

Section III The investigation process.... Of suspected child abuse or child sexual abuse. This section *MUST* incorporate psychological and emotional abuse of the child.

- 1. Explanation of forensic interviews *MUST* include child abuse assessments for BOTH parents, including physical, sexual, psychological, and emotional child abuse and coercive control of the child. I support clinical interviews over forensic interviews.**

Page 4

Line 13

Section 2

Part C

Section 3

Part VI The dynamics and effects of DV, including coercive control (good). **This section should also include financial abuse.**

Page 4

Line 33

Part XI Background and current research informed literature regarding parental alienation, its invalidity as a syndrome, and the inappropriateness of its use in child custody disputes.

- **Parental alienation a very real and very devastating form of child abuse and intimate partner violence. It is not recognized as a syndrome.**
- **Parental alienation is in the DSM (V995.51 and V61.29).**
- **Parental alienation includes the coercion, manipulation, psychological, physical, and emotional control of the child.**
- **Children who are alienated often display a lack of ambivalence: all black, all white thinking.**
- **Perhaps the terms has been misused and abused by abusive men in the past, but that does not mean that alienation doesn't happen.**
- **Children RARELY reject a parent.**
- **Children RARELY hate a parent.**
- **Children CLING to their abusers.**
- **Children who have been alienated are at SEVERE risk for short- and long-term physical, psychological, and emotional disturbances including, but not limited, to:**
 - **Depression**
 - **Anger**
 - **Anxiety**
 - **Lack of trust in self and others**
 - **Alterations in reality**
 - **Abusive intimate partner relationships**
 - **Having their own child alienated or perpetrating alienation in their own children**
 - **Substance abuse**
 - **Further victimization**
 - **Poor self esteem**
 - **Academic struggles**
 - **Peer relationships struggles**
 - **Impulse control**
- **If this didn't happen in my own family, I never would have believed that a child could be manipulated to reject a parent and like so many others, I would have asked what that parent did to deserve the rejection. This is a gross misunderstanding of alienation.**

2023 MNA SB 13 Senate Side FWA.pdf

Uploaded by: Michael Paddy

Position: FWA



Committee: Senate Judicial Proceedings Committee

Bill Number: Senate Bill 13 - Family Law - Custody Evaluators - Qualifications and Training

Hearing Date: January 31, 2023

Position: Favorable with Amendments

The Maryland Nurses Association (MNA) supports *Senate Bill 13 – Family Law – Custody Evaluators – Qualifications and Training*. The bill establishes parameters for who is qualified to evaluate children to advise the court in custody determinations. The bill stems from the recommendations of the Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations, which was established by SB 567 in the 2019 session.

We would ask for a clarifying amendment as there are two types of advance practice registered nurses who have the qualifications delineated in the bill:

On page 2 after line 18, add

(VII) A MARYLAND CERTIFIED PSYCHIATRIC-MENTAL HEALTH NURSE PRACTITIONER OR CERTIFIED PSYCHIATRIC-MENTAL HEALTH NURSE PRACTITIONER WITH AN EQUIVALENT LEVEL OF CERTIFICATION IN ANY OTHER STATE; OR

(VIII) A MARYLAND CERTIFIED CLINICAL NURSE SPECIALIST OR CERTIFIED CLINICAL NURSE SPECIALIST WITH AN EQUIVALENT LEVEL OF CERTIFICATION IN ANY OTHER STATE;

We ask for a favorable report with our clarifying amendments. If we can provide any additional information, please contact Robyn Elliott at relliott@policypartners.net or (443) 926-3443.

MPA Testimony 2023 - Support with Amendments - Sen

Uploaded by: Pat Savage

Position: FWA



10480 Little Patuxent Parkway, Ste 910, Columbia, MD 21044. Office 410-992-4258. Fax: [410-992-7732](tel:410-992-7732). www.marylandpsychology.org

OFFICERS OF THE BOARD

President

Rebecca Resnick, PsyD,

President-elect

Brian Corrado, PsyD

Past President

Linda McGhee, PhD, JD

Secretary

Tanya Morrel, PhD

Treasurer

Melinda Capaldi, PsyD

Representatives-at-large

Jessica Rothstein, PsyD

Andrea Chisolm, Ph.D.

Representative to APA Council

Peter Smith, PsyD

COMMITTEE CHAIRS

Communications

Robyn Waxman, PhD

Diversity

Whitney Hobson, PsyD

Early Career Psychologist

Meghan Mattos, PsyD

Educational Affairs

Laurie Friedman Donze, PhD

Ethics

Colleen Byrne, PhD

Legislative

Pat Savage, PhD

Membership

Linda Herbert, PhD

Professional Practice

Karin Cleary, PhD

PROFESSIONAL AFFAIRS

OFFICER

Paul C. Berman, PhD

INTERIM EXECUTIVE

DIRECTOR

Thomas Cote, MBA, CAE

January 31, 2023

Senator William C. Smith Jr., Chair
Senator Jeff Waldstreicher, Vice Chair
Judicial Proceedings Committee
2 East
Miller Senate Office Building
Annapolis, MD 21401

RE: Senate Bill 13 - SUPPORT WITH AMENDMENTS

Dear Chair, Vice-Chair, and Members of the Committee:

The Maryland Psychological Association, (MPA), which represents over 1,000 doctoral level psychologists throughout the state, asks the Senate Judicial Proceedings Committee to **AMEND and FAVORABLY REPORT** on Senate Bill 13.

The Maryland Psychological Association supports the intent of Senate Bill 13 to require appropriate training before a custody evaluator in Maryland can be appointed by the Courts to perform a custody evaluation. Many of the required training areas specified in SB 13 are already included in [Judicial Rule 9-205.3](#). The Judicial Rule specifies that court-appointed custody evaluators “shall have current knowledge in...domestic violence...child neglect and abuse...family conflict and dynamics...child and adult development; and [the] impact of divorce and separation on children and adults.”

In addition, Maryland Regulation [10.36.09.04](#) for psychologists requires education, training, experience, or supervision in specific areas to ensure that psychologists are “...competent to conduct child custody evaluations.” Specified topics include, among other areas: child and adult development and psychopathology; family dynamics and psychopathology, including the impact of divorce; and Maryland law governing divorce, child abuse and neglect, and family violence.

MPA greatly appreciates Senator Carozza’s time and willingness to work with us on this important bill. We understand that she will be putting forward Sponsor amendments that substantially address our concerns and encompass what we were proposing as amendments below.

These two paragraphs detail MPA's amendments that have since been handled by Senator Carozza's Sponsor Amendments.

Rationale and Amendment #1:

SB 13, as currently written, specifies a training curriculum with identified topics. Since the literature and research in these areas, including trauma, emotional abuse, physical abuse, and child sexual abuse, is continually evolving, we are concerned about the specificity of the requirements beginning on page 3, line 16 through page 5, line 21.

Therefore, the Maryland Psychological Association urges the committee to **AMEND SB 13 by striking language beginning on page 3, line 16, through page 5, line 21 and by inserting: "AN INDIVIDUAL MUST COMPLETE THE APPROPRIATE TRAINING DEVELOPED BY THE JUDICIARY IN CONSULTATION WITH DOMESTIC VIOLENCE AND CHILD ABUSE ORGANIZATIONS, THE MARYLAND BAR ASSOCIATION, AND REPRESENTATIVES FROM EACH OF THE LICENSED MENTAL HEALTH PROFESSIONAL ASSOCIATIONS."**

We look forward to continuing to work with the Senator on this bill to address two remaining technical issues:

1. Lines 20-21, p 3. "complete at least 20 hours...in the following areas"
Question: Does this mean a total of 20 hours, as opposed to 20 hours in each of the following areas?
2. Lines 25-26, p.6: "complete 5 hours of training...every 2 years."
Question: Does this refer to training in the areas enumerated in the previous section? Is this a total of 5 hours as opposed to 5 hours in each.

Thank you for considering our comments on Senate Bill 13. If we can be of any further assistance as the Senate – Judicial Proceedings Committee considers this bill, please do not hesitate to contact MPA's Legislative Chair, Dr. Pat Savage at mpalegislativcommittee@gmail.com.

Respectfully submitted,

Rebecca Resnik, Psy.D.
Rebecca Resnick, Psy.D.
President

R. Patrick Savage, Jr., Ph.D.
R. Patrick Savage, Jr., Ph.D.
Chair, MPA Legislative Committee

cc: Richard Bloch, Esq., Counsel for Maryland Psychological Association
Barbara Brocato & Dan Shattuck, MPA Government Affairs

MACA SB13 opposition.pdf

Uploaded by: Rael LaPenta

Position: FWA



Thank you for letting me speak with you today. My name is Rael LaPenta. I represent an organization of mothers, who believe in protecting the rights and well-being of children, MACA- Mothers Against Child Abuse. We stand up against child abuse across our nation.

I am here today to discuss with you our concerns regarding SB13, which deals with custody evaluator's training. On behalf of MACA, we can support this bill if a few critical changes are made to the current language.

This bill is an important piece of legislation that can prevent tragic results for the children who are victims to divorce and family separation. Unfortunately, as written, this Legislation has critical errors. For years, the Department of Justice and other official sources have documented and instructed the courts to consider UOC- Use of the Child in child custody.

As much of this bill clearly acknowledges the harm Domestic Violence inflicts, on not only the victim, but also the children exposed. It is imperative to also acknowledge a defined tactic of Domestic Violence Perpetrators in the Use of a Child. The results labeled 'Extent of Abusers' UOC and other Forms of IPV' defines "most participants (88%) reported that their abusers had used their children as a tactic to control, harm or monitor them within the prior six months," according to the article published by the US Dept of Justice in 2021 OJP-Office of Justice Programs. 'The Use of Children as a Tactic of Intimate Partner Violence and its Relationship to Survivors' Mental Health.'

<https://link.springer.com/content/pdf/10.1007/s10896-021-00330-0.pdf?pdf=button>

Legislation efforts to protect from abuse would be faulted to choose only some aspects of abuse.

We recommend this be removed completely from SB13, as it is l'll-informed.

XI) BACKGROUND AND CURRENT RESEARCH-INFORMED LITERATURE REGARDING PARENTAL ALIENATION, ITS INVALIDITY AS A SYNDROME, AND THE INAPPROPRIATENESS OF ITS USE IN CHILD CUSTODY CASES;

For example, from 1993-2010, several professionals were cited: "In some cases, parental alienation processes and impacts are poorly understood (Bernet et al., 2010; Darnall, 2011; Drozd & Olesen, 2004; Jaffe, Ashbourne, & Mamo, 2010). *Mental health professionals might unknowingly contribute to the problem by providing misinformation to decision makers, implementing adverse treatment protocols, and making detrimental custody recommendations* (Cartwright, 1993; Clawar & Rivlin, 1991; Gardner, 1998a; Greenberg, Gould, Gould-Saltman, & Stahl, 2003; Lowenstein, 1999; Warshak, 2015b)."

https://www.researchgate.net/profile/Gena-Rowlands-2/publication/329173018_Parental_Alienation_A_Measurement_Tool/links/5d94d16292851c2f70e541c6/Parental-Alienation-A-Measurement-Tool.pdf?origin=publication_detail

In 2004, the State Justice Institute published Navigating Custody & Visitation Evaluations in Cases with Domestic Violence: A Judge's Guide. "Children who appear "alienated" from a parent may have legitimate and substantial reasons for being angry, distrustful, or fearful! *That possibility should be explored*, before one parent is blamed for inducing that alienation. How to understand issues of estrangement, protection, and alienation in cases involving domestic violence is treated more fully in the supplementary materials to Card III"

<http://ncsc.contentdm.oclc.org/cdm/ref/collection/famct/id/971>



Recently, in June 2022, the AFCC- Association of family & conciliation courts AND the NCJFJ- National counsel for juvenile and family judges released their Problem Statement:

The vast majority of separating and divorcing parents maintain safe, healthy, and positive relationships with their children; however, a small percentage of parent-child relationships remain strained and/or problematic. *Children are at greater risk when parent-child contact problems are not effectively addressed and when family law professionals and others echo and intensify the polarization within the family."*

<https://www.afccnet.org/Portals/0/Committees/AFCC%20NCJFCJ%20Joint%20Statement.pdf?ver=L-vPDsr8pJiqRiVqbsVddg%3d%3d>

We thank you for your dedication and tireless work in protecting children, and thank you for this opportunity to share our concerns! We hope you look into this small snippet of research we have provided and amend SB13.

Respectfully,

Rael with MACA- Mothers Against Child Abuse

AFCC and NCJFCJ Joint Statement on Parent-Child Co

Uploaded by: Yaakov aichenbaum

Position: FWA



AFCC AND NCJFCJ JOINT STATEMENT ON PARENT-CHILD CONTACT PROBLEMS

Problem Statement:

The vast majority of separating and divorcing parents maintain safe, healthy, and positive relationships with their children; however, a small percentage of parent-child relationships remain strained and/or problematic. Children are at greater risk when parent-child contact problems are not effectively addressed and when family law professionals and others echo and intensify the polarization within the family. This problem may be exacerbated by (1) gendered and politicized assumptions that either parental alienation or intimate partner violence is the determinative issue; (2) contradictory rhetoric about the application of research findings and the efficacy of interventions; (3) indiscriminate use of services; and (4) a lack of understanding of different perspectives, education among family law practitioners, and resources.

AFCC and NCJFCJ support transparent, informed, and deliberate dialogue and response to parent-child contact problems following separation and divorce, or when the parents have never resided together, by adhering to the following considerations:

1. Adopt a child-centered approach

Children's behavior should be considered in the context of what is normal for a child's age, developmental stage, and the family socio-cultural-religious norms. This behavior may also be an expectable, adaptive reaction to stress, change, or an adverse childhood experience. The paramount focus of practitioners working with parent-child contact problems should be to promote the safety, interests, rights, and wellbeing of children and their parents/caregivers at all socioeconomic levels. Children should have the opportunity to express their views in family justice matters that concern them. The stated views of children are not necessarily determinative of their best interests. There are multiple factors that may contribute to children expressing views that do not reflect their best interests. Family justice practitioners should understand the basis for the child's expressed wishes and acknowledge their rights.

2. Increase competence in working with parent-child-contact problems

Specialized knowledge and skill are necessary to work effectively with families with parent-child contact problems. Family law practitioners should receive regular and ongoing training on the various factors related to parent-child contact problems including, but not limited to intimate partner violence, substance misuse, high conflict, denigration, parental alienating behaviors, and healthy parenting.

3. Screen for safety, conflict, and parent-child contact problems

In addition to initial and ongoing screening for safety, intimate partner violence and power-imbalances within families in all family law cases, parent-child contact issues, once identified, should be uniquely screened for safety and family risk factors, including the severity, frequency, and impact. Practitioners should, in all cases, employ a structured and evidence-informed screening for family risk factors.

AFCC AND NCJFCJ
JOINT STATEMENT ON PARENT-CHILD CONTACT PROBLEMS

4. Fully consider all factors that may contribute to parent-child contact problems

There should be no immediate label used for parent-child contact problems as there are multiple factors and dynamics that may account for these issues. These include interparental conflict before and after the separation, sibling relationships, the adversarial process/litigation, third parties such as aligned professionals and extended family, a lack of functional co-parenting, poor or conflictual parental communication, child maltreatment, a response to a parent's abusive behaviors, the direct or indirect exposure to intimate partner violence, parental alienating behaviors, an alignment with a parent in response to high conflict coparenting, or a combination of these factors. Therefore, practitioners should maintain a broad lens and sufficiently consider the relative contribution of each potential factor before conclusions are made about cause.

5. Conduct individual case analysis

Social science research findings can provide the field with valuable information about the group studied but cannot be used to determine the characteristics or experiences of individual parties or children; therefore, each family/case/situation must be specifically examined and informed by the best available evidence. Each case must be examined uniquely to understand the etiology and current dynamics of the problem for the family justice system to intervene in an effective child-focused manner.

6. Refer to appropriate and proportional services and interventions

Practitioners should exercise care in recommending, referring, or ordering family members to services and interventions. These services and interventions should be accessible, accountable, proportional to the nature and severity of factor(s) contributing to the parent-child contact problem(s), particularly when there is a court order requiring such services and interventions. Such services and interventions should be informed by a child-centered approach.

PAS-Intervention statement on SB13 FWA.pdf

Uploaded by: Yaakov aichenbaum

Position: FWA



Yaakov Aichenbaum, PAS-Intervention MD Chapter
6211 Park Heights Avenue, Baltimore MD 21215
info@parentalalienationisreal.com

To: Members of the Senate Judicial Proceedings Committee

1/26/2023

While the intent of SB13 to insure appropriate training for custody evaluators is commendable, there are several components of this bill that are concerning and present a potential danger to the children and families that the bill is trying to safeguard. Specifically, the bill's position on parental alienation (PA) is of concern.

PA is caused when one parent or other significant adult turns the child against the other parent or family members. Some authors liken this effect to be the same as induction to a cult where degradation, manipulation and brainwashing are staples. PA is emotional child abuse.

The bill's claim that PA is invalid as a syndrome and that it is inappropriate to use in custody cases is not representative of the mainstream scientific research community.

DATA FROM THE SCIENTIFIC, MENTAL HEALTH AND LEGAL FIELDS

- The AFCC and NCJFCJ issued a JOINT STATEMENT ON PARENT-CHILD CONTACT PROBLEMS in 2022 which states that parental alienation is a factor that should be taken into consideration in custody decisions. (See bullet #4 of statement)
<https://www.afccnet.org/Resource-Center/Center-for-Excellence-in-Family-Court-Practice/afcc-and-ncjfcj-joint-statement-on-parent-child-contact-problems>
- A peer reviewed study entitled *Developmental Psychology and the Scientific Status of Parental Alienation* was published last year in the APA journal *Developmental Psychology* that concluded that "it is no longer tenable to dismiss the field as lacking in scientific status". This study identified 166 peer reviewed studies about PA that were published through December 2020 in ten languages. "The results confirmed that the current state of PA scholarship meets three criteria of a maturing field of scientific inquiry: an expanding literature, a shift toward quantitative studies, and a growing body of research that tests theory-generated hypotheses".
<http://dx.doi.org/10.1037/dev0001404>. (See page 16 of article)
- A study entitled *The Impact of Parental Alienating Behaviours on the Mental Health of Adults Alienated in Childhood* suggests that exposure to parental alienating behaviors in childhood can have a profound impact on the mental health of those children later in life, including experiencing anxiety disorders, trauma reactions, addiction and substance use, and coping and resilience. This study demonstrated the insidious nature of parental alienation and parental alienating behaviors and provided further



Yaakov Aichenbaum, PAS-Intervention MD Chapter
6211 Park Heights Avenue, Baltimore MD 21215
info@parentalalienationisreal.com

evidence of these behaviors as a form of emotional abuse.
(<https://doi.org/10.3390/children9040475>. (See conclusion on page 14)

- Authors of the DSM-5 chapter on “Other Conditions” explain that PA is included in the DSM-5 under the diagnosis of Child Affected by Parental Relationship Distress (code V61.29).
([https://www.jaacap.org/article/S0890-8567\(16\)30175-7/fulltext](https://www.jaacap.org/article/S0890-8567(16)30175-7/fulltext))
- A study found that the concept of PA was found to be material, probative, relevant and admissible in at least 1181 US appellate court cases between 1985 and 2018.
(<https://psycnet.apa.org/record/2020-31425-006>)

AMENDMENTS NEEDED

My organization (PAS-Intervention MD Chapter) along with MACA- Mothers Against Child Abuse and Servicemembers & Veterans for Children’s Rights would support the bill if the following amendments occur:

- Deletion of page 4 lines 21-24 which perpetuate the misrepresentation that PA theory presumes that all contact refusal is due to alienation and that abuse allegations are false (see <https://www.tandfonline.com/doi/full/10.1080/01926187.2021.1972494>). This is a strawman argument that has been repeatedly stated in order to discredit PA theory. PA experts endorse a thorough forensic evaluation using instruments such as The Five Factor Model to diagnose PA and also support the full investigation of abuse claims. (See <https://pasg.info/app/uploads/2022/06/Bernet-et-al.-2022-Five-Factor-Model.pdf>)
- Delete page 4 lines 33-34 and page 5 line 1.
- We agree with the MD Psychological Association’s recommendations to insert the following: “AN INDIVIDUAL MUST COMPLETE THE APPROPRIATE TRAINING DEVELOPED BY THE JUDICIARY IN CONSULTATION WITH DOMESTIC VIOLENCE AND CHILD ABUSE ORGANIZATIONS, THE MARYLAND BAR ASSOCIATION, AND REPRESENTATIVES FROM EACH OF THE LICENSED MENTAL HEALTH PROFESSIONAL ASSOCIATIONS.”

For these reasons, we urge the committee to give a favorable with amendments report on SB13. Please contact me with any questions that you may have.

Respectfully

Yaakov Aichenbaum

Baltimore, MD

info@parentalalienationisreal.com

SB 13 UNF House of Ruth.pdf

Uploaded by: Dorothy Lennig

Position: UNF



Marjorie Cook Foundation
Domestic Violence Legal Clinic

2201 Argonne Dr • Baltimore, Maryland 21218 • 410-554-8463 • dlennig@hruthmd.org.

TESTIMONY IN OPPOSITION TO SENATE BILL 13

January 31, 2023

DOROTHY J. LENNIG, LEGAL CLINIC DIRECTOR

House of Ruth is a non-profit organization providing shelter, counseling, and legal services to victims of domestic violence throughout the State of Maryland. House of Ruth has offices in Baltimore City, Baltimore County, Prince George's County, and Montgomery County. Senate Bill 13 sets out the professional, educational, and training requirements for court custody evaluators. **We urge the Senate Judicial Proceedings Committee to report unfavorably on Senate Bill 13.**

House of Ruth believes it is important that court custody evaluators are fully trained in many, but not all, of the areas outlined in the bill. A child custody evaluation is a process in which a mental health expert, often a psychologist or social worker, evaluates a family and makes a recommendation to the court for a custody/visitation/ or parenting plan that is in the child's best interests. It is extremely important for custody evaluators to be fully trained on the adverse childhood experiences, trauma, domestic violence, child abuse, and emotional abuse.

House of Ruth generally supports the intent of this bill but is concerned about moving the educational and training requirements for court custody evaluators from the Maryland Rules of Court to statute while leaving the rest of the conditions governing custody evaluators in the Maryland Rules. We believe that the Maryland Rules of Court are the correct place for all of the conditions governing custody evaluators as the Court needs to be able to adjust and amend these conditions as necessary to meet its needs and not wait for the next legislative session.

House of Ruth urges the Senate Judicial Proceedings Committee to report unfavorably on Senate Bill 13.

SB 13 - UNF - Women's Law Center of MD.pdf

Uploaded by: Laure Ruth

Position: UNF

BILL NO: Senate Bill 13
TITLE: Family Law – Custody Evaluators – Qualifications and Training
COMMITTEE: Judicial Proceedings
HEARING DATE: January 31, 2023
POSITION: **OPPOSE**

Senate Bill 13 would move qualifications for custody evaluators in family law cases, from the Maryland Rules to the Maryland Code. While the Women’s Law Center appreciates the importance of maintaining rigorous qualifications for these evaluators in custody cases in the state, the appropriate place for addressing these issues is in the Rules, not the Code. In addition, the topics the bill would require custody evaluators to be trained, may change, and if the bill passes each time new research developed or best practices changed, we would have to come back to the legislature to make changes. The Rules are a better place for this.

Senate Bill 13 arises out of recommendations made by the Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations, constituted by statute in 2019. The Women’s Law Center was appointed to this Workgroup. The Workgroup worked tirelessly, and delved deeply into how domestic violence, child abuse, and child sex abuse effects children and families and how courts manage cases with such allegations. There were many professional experts who presented to the Workgroup. After over 18 months of meetings the recommendations were finalized. The conclusion of the Workgroup, generally, was that stakeholders in child custody proceedings, including custody evaluators used by the courts in these cases, need more education of newer research, and that courts are not carefully and fully considering evidence of harm to victims when making custody decisions in the best interests of the child.

Senate Bill 13 would require that a custody evaluator have a Master’s degree or equivalent, that evaluators have initial training of 20 hours and continuing training of 5 hours every two years. A host of other issues are included, such as an extensive list of topics that must be covered in the training, topics that skew towards a biased agenda. We do not know if 20 hours is a best practice recommendation by experts in the field of training evaluators, but recommend best practices be followed. We fully support the concept that custody evaluators, and indeed others involved in custody cases (judges and magistrates) be educated and informed on the current science and research on things such as ACEs, trauma and children’s responses to traumatic stress, and some other issues laid out in the bill. We have been involved in all too many cases where evaluators seem to completely miss what is evident violence and resulting trauma in a family.

However, currently, qualifications for a person to be a custody evaluator are contained in Maryland Rule 9.205.3 CUSTODY AND VISITATION-RELATED ASSESSMENTS. Other provisions are also addressed there. The benefit of addressing this via rule rather than statute is that the Judiciary can change them as necessary.

Finally, we are concerned that the courts will lose committed and well-trained current evaluators should this bill pass.

Therefore, the Women's Law Center of Maryland, Inc. opposes Senate Bill 13 and urges an unfavorable report.

The Women's Law Center of Maryland is a private, non-profit, legal services organization that serves as a leading voice for justice and fairness for women.

SB 13_FJLSC_unf.pdf

Uploaded by: Lindsay Parvis

Position: UNF

To: Members of The Senate Judicial Proceedings Committee

From: Family & Juvenile Law Section Council (FJLSC)

Date: January 31, 2023

Subject: Senate Bill 13:
Family Law – Custody Evaluators – Qualifications and Training

Position: OPPOSE/UNFAVORABLE

The Maryland State Bar Association (MSBA) FJLSC **opposes Senate Bill 13: Family Law- Custody Evaluators – Qualification and Training.**

This testimony is submitted on behalf of the Family and Juvenile Law Section Council (“FJLSC”) of the Maryland State Bar Association (“MSBA”). The FJLSC is the formal representative of the Family and Juvenile Law Section of the MSBA, which promotes the objectives of the MSBA by improving the administration of justice in the field of family and juvenile law and, at the same time, tries to bring together the members of the MSBA who are concerned with family and juvenile laws and in reforms and improvements in such laws through legislation or otherwise. The FJLSC is charged with the general supervision and control of the affairs of the Section and authorized to act for the Section in any way in which the Section itself could act. The Section has over 1,200 attorney members.

Custody evaluations and other assessments in matters before the court in which custody and/or visitation are at issue are critical and useful tools in ensuring that the outcome of a case is in the best interests of the child(ren) at issue. Of course, it is critical that the custody evaluator have proper qualifications and training, which this bill is designed to address. However, the FJLSC opposes this bill for the following reason:

1. Currently Maryland Rule 9-205.3 addresses the qualifications and training/experience of custody evaluators.
2. The Section believes that the issue should remain in the Rules Committee.
3. The training and qualification requirements are too specific and onerous. More flexibility is needed and will need to change from time to time as social science changes. This can be accomplished by keeping the issue in Rules Committee.



520 West Fayette St., Baltimore, MD 21201

410-685-7878 | 800-492-1964

fax 410-685-1016 | tdd 410-539-3186

msba.org

4. The Section is concerned that passage of the Rule will result in the loss of talented evaluators.

For the reason(s) stated above, the MSBA FJLSC opposes **Senate Bill 13** and **urges an unfavorable committee report.**

Should you have any questions, please contact Lindsay Parvis by telephone at 240-399-7900 or lparvis@jgllaw.com or Michelle Smith by telephone at 410-280-1700 or by e-mail at msmith@lawannapolis.com.

SB 13 Child Custody Evaluators.pdf

Uploaded by: Maria Nenschutzka Villamar

Position: UNF



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS

ELIZABETH HILLIARD
ACTING DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: Senate Bill 13 Family Law – Custody Evaluators – Qualifications and Tr:

FROM: Maryland Office of the Public Defender

POSITION: Unfavorable

DATE: 1/30/2023

The Maryland Office of the Public Defender respectfully requests that the Committee issue an unfavorable report on Senate Bill 13. This bill codifies the qualifications and training necessary for certain professionals to be appointed or approved by the court as custody evaluators. Moreover, before an individual may be appointed or approved to be a custody evaluator, the individual must complete at least 20 hours of initial training in very specific topics enumerated in the bill, and then 5 hours every two years thereafter, even though there is no rational correlation between the number of hours of study and the topics required to be studied and whether certain professionals are qualified to conduct custody evaluations. The requirements of SB 13 create an onerous burden on the court and litigants, will create delay in appointing custody evaluators, and will mandate training that is biased toward government intrusion on family life without actually ensuring that those who are approved by the court as custody evaluators have the appropriate or adequate training, experience, and education.

Especially problematic is that the courses are biased and weigh heavily in favor of governmental intrusion on family life. For example, prospective custody evaluators will be taught that “the lack of a finding of indicated child abuse or sexual abuse by law enforcement or local department does not mean that child abuse or sexual abuse did not occur.” This teaches evaluators to disregard findings that are made based on the evidence and instead make a recommendation on custody based on suspicion or a gut response. Another topic that is problematic is §9-101(C)(1)(XI) which is on “background and current research-informed literature regarding parental alienation, its invalidity as a syndrome, and the inappropriateness of

its use in child custody cases.” The language of this subsection is highly biased and requires child custody evaluators to completely reject the notion that there are some parents who deliberately use a set of strategies to foster a child’s rejection of the other parent. This would require a child custody evaluator, who is supposed to be a disinterested and neutral individual, to ignore or give no weight to relevant facts that may be presented by the rejected parent. While there are some experts who believe parental alienation is invalid as a syndrome, there are other experts who believe it does in fact occur. If parental alienation is to be part of a training for child custody evaluators, both points of view on it should be taught.

There are also problems with § 9-101(b)(1), under which a wide range of professionals may be appointed by a court to conduct a custody evaluation, even if they have no experience at all in working with children or in the subject of custody evaluations. A board-certified psychiatrist, licensed psychologist, licensed clinical marriage and family therapist, or a licensed certified social worker clinical may be appointed as a child custody evaluator without any relevant experience with children or the subject of child custody. These professionals would only be required to take 20 hours of courses on a wide variety of subjects, some of which may only be tangentially related to child custody. In contrast, a licensed graduate or master social worker or a licensed clinical professional counselor must have at least two years of experience in subjects such as child development, family systems, impact of loss, impact of parent-child separation, all forms of domestic violence, and effects of trauma on children. It does not make sense to require some professionals to have knowledge and training on topics pertinent to child custody and not require other professionals to do the same even if their education and experience has not been in the subject of children and custody. It is also unclear whether certain professionals must complete a minimum of 20 hours of training on all of the enumerated topics or a minimum of 20 hours on their choice of the enumerated topics. Further, it is unclear what form of training will satisfy the required training – for example, must the course be taken at an accredited school, or is independent study sufficient?

Finally, the OPD is concerned about the judiciary creating a system for qualifying mental health and social work professionals to evaluate and render professional opinions on child custody. Senate Bill 13 authorizes the Administrative Office of the Courts to adopt procedures to

implement these measures, thus putting the onus on the judiciary to determine whether certain individuals possess the professional licensure, educational degrees, training and experience, and personal demeanor and skills to satisfy the requirements of the statute as well as to determine whether the individuals completed the necessary courses and whether the courses meet the requirements of the statute. This will require the creation of a court office comprised of members who have the capability to check licenses of prospective custody evaluators, are qualified to evaluate courses at schools to ensure that they cover the topics enumerated in the bill, can keep track of evaluators' training hours, and stay updated on changes in the field to ensure that the courses remain relevant and in keeping with the most recent scientific and social theories and principals. Whether a mental health, medical, or social work professional is qualified to conduct a custody evaluation is a determination best made by qualified individuals in the relevant fields, not, not by the judiciary.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a[n] [un]favorable report on SB 13.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.

Authored by: Nena C. Villamar (410) 458-8857

sb13.pdf

Uploaded by: Matthew Pipkin

Position: UNF

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Matthew J. Fader
Chief Justice

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 13
Family Law – Custody Evaluators – Qualifications and Training
DATE: January 18, 2023
(1/31)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 13. This bill would require all court-appointed or court-approved custody evaluators to have certain experience obtained through observation under clinical supervision or the performance of custody evaluations. Beginning October 1, 2023, custody evaluators must complete at least 20 hours of training on certain topics before appointed or approved by a court and complete at least 5 hours of continuing education and training every two years. The bill would also require courts to provide information about the role, availability, and cost of a custody evaluator in all contested child support, custody, and visitation cases and required custody evaluators provide parties written information regarding their policies, procedures, fees, and costs for the evaluation.

While the Judiciary supports measures that help ensure courts receive trustworthy and accurate assessment evidence, the Supreme Court of Maryland not only is in the best position to determine training and eligibility requirements for custody evaluators but also has done so. Among other reasons, this bill is unnecessary because 1) Rule 9-205.3 (governing custody evaluations and other related assessments), as amended in 2022, mandates training for all custody evaluators who will be appointed or approved in Maryland; and 2) the eligibility requirements of the bill already are imposed by Rule 9-205.3 but with a reasonable and necessary waiver exception.

Training: In April 2022, the Supreme Court of Maryland adopted several amendments to Rule 9-205.3, including section (d)(2), which imposes a mandatory training requirement: Unless waived by the court, a custody evaluator shall have completed, or commit to completing, the next available training program that conforms with the guidelines established by the Administrative Office of the Courts (AOC). The current guidelines shall be posted on the Judiciary’s website.

The Custody Evaluator Standards and Training Workgroup of the Judicial Council's Domestic Law Committee is developing the course curriculum. The course will be offered for the first time on May 15 through 17, 2023, at the Maryland Judicial Center. The Administrative Office of the Courts' (AOC) training guidelines for the course are:

LEGAL FRAMEWORK:

- Legal terms, standards, and concepts related to family law judicial process
- Relevant statutes, case law, and rules, including Rule 9-205.3
- Parenting plans
- Distinctions between clinical and forensic examinations
- Roles and perspectives of judges and attorneys

CHILD DEVELOPMENT:

- Basics of infant and child development, including critical periods of brain development
- Attachment and how it relates to developmentally appropriate access schedules
- Overview of normal and aberrant mental health functioning
- Impact of high conflict parental behavior on children and families
- Impact of separation and divorce on children

CUSTODY EVALUATION PROCESS:

- Interviews with children, parents, caregivers, and collaterals
- Parent-child observations
- Areas and modes of data collection
- Required and optional elements of custody evaluations and specific issue evaluations under Rule 9-205.3
- Psychological evaluations
- Cultural and diversity considerations
- Neutrality and how personal attitudes, values, and feelings that may compromise an evaluator's neutrality
- Risks inherent in the role of custody evaluator and how best to manage them

REPORTING TO COURT AND INVOLVEMENT IN COURT PROCESS:

- Written report structure and format for custody evaluations and specific issue evaluations under Rule 9-205.3
- Oral reporting
- Depositions
- Testimony

SPECIAL CIRCUMSTANCES, ISSUES, AND CHALLENGES:

- Parental relocation
- Intimate partner violence: Dynamics and effects on parenting and children; barriers to disclosure; initial screening; assessment protocols; indicators for protective safety recommendations; implications for child access

- Child abuse: Types (physical, emotional, sexual); barriers to disclosure; dynamics and effects; implications for child access; nature and role of child protective services investigations
- Special needs children
- LGBTQ+ parents and children
- Mental health conditions, protocols for monitoring and treatment, and implications for child access
- Substance misuse, protocols for monitoring and treatment, and implications for child access
- Parent-child contact failure

Course attendees will learn about the relevant research and best practices in these areas and will explore the practical application of ethical considerations. As the AOC training guidelines make clear, child development, child abuse and domestic violence, the impact of intimate partner violence on children, the nature and role of protective services investigations, and the impact of violence in the home on access all will be covered by the Judiciary's course. The course will be taught by judges, a magistrate, and experienced professionals who are qualified and experienced custody evaluators. The training topics listed in the proposed bill are both overly specific and widespread, are unwieldy, and are not neutrally framed. The Judiciary's course will provide custody evaluators with information they need to make thorough and neutral assessments in ordinary custody cases and in cases involving intimate partner violence and child abuse of all types. The course will be comprehensive, lasting three days.

SB 13 is not needed, given the Judiciary-designed mandatory training course for custody evaluators that will be offered beginning this year.

Eligibility: The eligibility requirements of the bill are essentially the same as the already-existing qualifications for custody evaluators in Rule 9-205.3(d), with one exception: it does not allow the waiver of the requirements as is permitted under section (d)(3) of the Rule. The Supreme Court of Maryland adopted the Rule's waiver provision for the sole purpose of ensuring that certain court-employed custody evaluators who did not meet the educational qualifications and were working for the court prior to the adoption of the Rule in 2016 would not lose their jobs. If this bill is enacted, it would affect two Anne Arundel Circuit Court employees who have been working as custody evaluators for many years.

Importantly, the professionals who are eligible to serve as custody evaluators under the Rule as it now stands are licensed health care providers who must satisfy the continuing education requirements of their fields. For example, eligible psychologists and social workers must complete 40 hours of continuing education in their fields every two years. Also, to be eligible as custody evaluators under the Rule they must have training or experience observing or performing custody evaluations and must have "current knowledge" about 1) domestic violence; 2) child neglect and abuse; 3) family conflict and dynamics; 4) child and adult development; and 5) the impact of divorce and separation on children and adults. These topics encompass the eleven areas of training set forth in the proposed legislation.

The bill's requirement that custody evaluators have experience (outside of training) in all the various areas set forth in (b)(2) is overreaching, unrealistic, and will erect roadblocks to the courts' use of custody evaluators at all. Evaluators who do not have such experience would be disqualified and the requirement will make it more difficult for practitioners to become qualified. There is a limited pool of qualified professionals available to do this work already, especially in rural parts of the state. This requirement would further limit that pool but would not result in custody evaluators who are more capable of performing assessments.

Other: The bill requires at part (D) that the court provide information to the parties regarding the role, availability, and cost of custody evaluations in the jurisdiction in any case in which "child support, custody, or visitation is at issue." This also is unnecessary, for more than one reason. The Family Services section of the Judiciary's website - - which is available to the public - - contains a video library that addresses many services for families, including custody evaluations. *See* <https://mdcourts.gov/reference/familyservicesvideolibrary>. The 7½ minute video about custody evaluations explains in everyday language what such an evaluation is, some of the reasons a custody evaluation may be ordered, what the evaluation entails, the evaluator's report and its availability, mediation and settlement conferences after a custody evaluation, the role of the evaluator at trial, and the judge's role as an independent decision-maker. The video also explains that some courts have court-based evaluators and that otherwise, the fee usually is split between the parties.

With respect to fees, Rule 9-205.3(g) provides that the order for appointment of a custody evaluator shall contain a provision "concerning payment of any fee, expense, or charge, including a statement of any hourly rate that will be charged which, as to a court appointment, may not exceed the maximum rate established under section (n) of this Rule and, if applicable, a time estimate for the assessment."

Section (D) of the proposed legislation is not necessary given the information the Judiciary already gives litigants about custody evaluations.

cc. Hon. Mary Beth Carozza
Judicial Council
Legislative Committee
Kelley O'Connor

SB 13_MNADV_OPP.pdf

Uploaded by: Melanie Shapiro

Position: UNF



BILL NO: Senate Bill 13
TITLE: Family Law – Custody Evaluators – Qualifications and Training
COMMITTEE: Judicial Proceedings
HEARING DATE: January 31, 2023
POSITION: **OPPOSE**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the Senate Judicial Proceedings Committee to issue an unfavorable report on SB 13.**

Senate Bill 13 originates from the recommendations of the Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations, which was statutorily created in 2019. The Workgroup heard from numerous professional experts and met over an eighteen-month period to develop their recommendations. Custody evaluators conduct assessments to assist the court in evaluating the health, safety, welfare, or best interests of a child in a contested custody or visitation case. MNADV believes that custody evaluators, and all others involved in the custody determination process, should be fully trained on current science and research on topics related to adolescent development, Adverse Childhood Experiences, domestic abuse, child abuse, and other traumas.

MNADV supports the intent of this bill that would ensure that custody evaluators are fully informed on current best practices and research. Currently, qualifications for a person to be a custody evaluator are contained in Maryland Rule 9.205.3 CUSTODY AND VISITATION-RELATED ASSESSMENTS. The training needs and requirements for custody evaluators is always evolving as new research is developed. Codifying the specific training requirements in Maryland Code as opposed to defining the requirements in the Maryland Rules would require legislative action any time a change is needed. MNADV believes that the Maryland Rules is the appropriate place for the custody evaluator training as it can be updated and amended as needed without legislative action.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges an unfavorable report on SB 13.**

SB 13 - Oppose - MPS WPS.pdf

Uploaded by: Thomas Tompsett

Position: UNF



January 29, 2023

The Honorable William C. Smith Jr.
Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, MD 21401

RE: Oppose – SB 13: Family Law - Custody Evaluators - Qualifications and Training

Dear Chairman Smith and Honorable Members of the Committee:

The Maryland Psychiatric Society (MPS) and the Washington Psychiatric Society (WPS) are state medical organizations whose physician members specialize in diagnosing, treating, and preventing mental illnesses, including substance use disorders. Formed more than sixty-five years ago to support the needs of psychiatrists and their patients, both organizations work to ensure available, accessible, and comprehensive quality mental health resources for all Maryland citizens; and strive through public education to dispel the stigma and discrimination of those suffering from a mental illness. As the district branches of the American Psychiatric Association covering the state of Maryland, MPS and WPS represent over 1000 psychiatrists and physicians currently in psychiatric training.

MPS/WPS oppose Senate Bill 13: Family Law - Custody Evaluators - Qualifications and Training (SB 13) despite the fact that most judges and attorneys agree that independent forensic psychiatric evaluations can assist the court in deciding a complicated custody or visitation dispute and what is in the child's best interest.

Maryland Rule 9-205.3(d) establishes the qualifications framework for Maryland custody evaluators. As it relates to physicians, the Rule limits the types of physicians who can participate as custody evaluators to those “who [are] board-certified in psychiatry or ha[ve] completed a psychiatry residency accredited by the Accreditation Council for Graduate Medical Education or a successor to that Council[.]”. The Rule also states that a psychiatrist or psychiatric resident must comply with the continuing education requirements of his/her field.

A psychiatrist’s and psychiatric resident’s medical training, let alone continuing education, is rigorous and time-consuming. The additional educational mandate proposed under SB 13’s attempt to codify Rule 9-205 is unnecessary as it pertains to psychiatrists and psychiatric residents. An additional twenty (20) hours of continuing education for custody evaluators will do nothing more than dissuade the already limited number of psychiatrists who act as custody evaluators from participating further.

Each year that this bill has been introduced, MPS/WPS has asked for some deferential, professional consideration and to be exempt from the 20-hour continuing education mandate



under the bill. Unfortunately, that request is ignored each year, so MPS/WPS is left with no other option than to oppose the bill.

MPS/WPS, therefore, ask this honorable committee for an unfavorable report. If you have any questions with regard to this testimony, please feel free to contact Thomas Tompsett Jr. at tommy.tompsett@mdlobbyist.com.

Respectfully submitted,
The Maryland Psychiatric Society and the Washington Psychiatric Society
Legislative Action Committee

SB0013_LOI_MdCSWC_Family Law - Custody Evaluators

Uploaded by: Christine Krone

Position: INFO



The Maryland Clinical Social Work Coalition

The Mdcswc, sponsored by the Greater Washington Society for Clinical Social Work, represents the interests of more than 9,300 licensed clinical social workers in Maryland.

TO: The Honorable William C. Smith, Jr., Chair
Members, Senate Judicial Proceedings Committee
The Honorable Mary Beth Carozza

FROM: Judith Gallant, LCSW-C, Chair, Maryland Clinical Social Work Coalition

DATE: January 31, 2023

RE: **LETTER OF INFORMATION** – Senate Bill 13 – *Family Law – Custody Evaluators – Qualifications and Training*

The Maryland Clinical Social Work Coalition (Mdcswc), sponsored by the Greater Washington Society for Clinical Social Work, represents the interests of more than 9,300 licensed clinical social workers in Maryland. On behalf of Mdcswc, we are submitting a **letter of information** for Senate Bill 13.

Senate Bill 13 establishes requirements regarding the licensure, experience, and training of custody evaluators. The bill would also move the educational and training requirements for court custody evaluators from the Maryland Rules of Court to statute. Mdcswc understands there is a valid discussion regarding whether the provisions should be in the Maryland Rules of Court or in statute. Mdcswc is not weighing in on that issue. Regardless of where the requirements are located, we support the expanded list of professionals the court may appoint or approve as a custody evaluator, which includes Licensed Certified Social Worker-Clinical.

Greater Washington Society for Clinical Social Work: www.gwscsw.org

Contacts: Coalition Chair: Judy Gallant, LCSW-C; email: jg708@columbia.edu; mobile (301) 717-1004
Legislative Consultants: Pamela Metz Kasemeyer and Christine Krone, Schwartz, Metz & Wise PA, 20 West Street, Annapolis, MD 21401

Email: pmetz@smwpa.com; mobile (410) 746-9003 ; ckrone@smwpa.com; mobile (410) 940-9165

6 - SB 13 - JPR - BOP LOI.docx.pdf

Uploaded by: State of Maryland (MD)

Position: INFO



Board of Physicians

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Acting Secretary

Damean W.E. Freas Board Chair – Christine Farrelly, Executive Director

4201 Patterson Avenue, Baltimore MD 21215 Phone: 410-764-4777; Email: mbpmail.rcn.com

2023 SESSION POSITION PAPER

BILL NO.: SB 13 – Family Law – Custody Evaluators – Qualifications and Training
COMMITTEE: Judicial Proceedings
POSITION: Letter of Information

TITLE: Family Law – Custody Evaluators – Qualifications and Training

POSITION & RATIONALE:

The Maryland Board of Physicians (the Board) is submitting this Letter of Information for Senate Bill (SB) 13 – Family Law – Custody Evaluators – Qualifications and Training. SB 13 would establish qualifications and training for court-appointed custody evaluators.

Under SB 13, a physician who is “board-certified in psychiatry” is considered to be a qualified custody evaluator. However, SB 13 does not further define the term “board-certified” or list appropriate certifying boards. While the primary U.S. bodies that provide physicians with board certification are the American Board of Medical Specialties and the American Osteopathic Association, there are a number of other private certifying bodies with varying requirements and standards. The Board recommends defining “board-certified” to establish which certifying boards are appropriate for the purposes of SB 13, as is done under Health Occupations Article § 14-101(c).

Thank you for your consideration. For more information, please contact Matthew Dudzic, Manager of Policy and Legislation, Maryland Board of Physicians, 410-764-5042.

Sincerely,

Damean W. E. Freas, D.O.
Chair, Maryland Board of Physicians

The opinion of the Board expressed in this document does not necessarily reflect that of the Maryland Department of Health or the Administration.