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February 7, 2023
The House Judiciary Committee
HB 285 Family Law- Custody Evaluators-Qualifications and Training
Statement of Support

Child Justice strongly supports HB 285, Custody Evaluators – Qualifications and Training. Of great import to Child Justice, this bill: (1) Ensures appropriate credentialing of custody evaluators; (2) Requires mental-health professionals have certain clinical experience before being appointed as custody evaluators by the court; (3) Requires that professionals participate in an initial 20 hours of training prior to appointment as custody evaluators and five hours of training during each two-year period thereafter.

HB 285 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. Child Justice's Legal Director, Paul Griffin, served as a member of the Workgroup. Over the course of some 18 months, the Workgroup heard testimony from multiple experts on a variety of topics germane to these custody cases.

The Workgroup issued a 124-page report in which it adopted 24 recommendations. Testimony as well research before the Workgroup provided compelling evidence that judges give extraordinary weight to custody evaluators and that custody evaluators too often focus on and/or give weight to irrelevant factors.

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. Child Justice strongly urges this Committee to extend its good work on judicial training and ensure that child-custody evaluators are as well trained as judges. This is particularly important given the outsized reliance judges tend to place on these evaluators.

We understand that the Maryland Judiciary and its supporters believe the scope of training should remain with the Judiciary and be instituted by Rule, instead of through legislation. While good in theory, we strongly disagree. Simply put, the Judiciary is not well suited to critique and reform its own program.

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By way of example, I point to the factors the courts consider when determining the best interests of the child. The Judiciary has created its own list of over 20 factors to consider that best interest. Unfortunately, not one of those factors included domestic violence or child abuse. It was left to this body – the General Assembly – to require judges to consider these two extremely important facts while determining custody and the best interests of the child. We again call on this body and ask you to determine what training is best for those who shape some of the most important decisions courts can make: the custody of a child.

We respectfully urge the House Judiciary Committee Members for a favorable report on House Bill 285. Thank you for your kind attention and consideration.

A handwritten signature in cursive script that reads "Paul A. Griffin".

Paul Griffin
Legal Director
Child Justice, Inc.