

February 8, 2024

The Honorable Will Smith, Chair
Judicial Proceedings Committee
Miller Senate Office Building, 2 East
Annapolis, Maryland 21401

RE: TESTIMONY ON SB 365 - Family Law - Child Custody Evaluators - Qualifications and Training - POSITION: LETTER OF INFORMATION

Dear Chair Smith and Members of the Judicial Proceedings Committee:

The Maryland Department of Human Services (DHS) thanks the Committee for the opportunity to provide a letter of information regarding Senate Bill 365 (SB 365). The proposed bill would add required qualifications and training for a professional to be appointed or approved as a custody evaluator by the court and be eligible to provide expert evidence in custody or visitation proceedings that include allegations of abuse.

The current language of SB 365 is broad and could require duplicative or unnecessary processes in Child in Need of Assistance (CINA) proceedings. Currently, when the Local Department of Social Services (LDSS) is unable to ensure the safety of a child, the LDSS petitions the court for care and custody of the child in a CINA proceeding. The court determines custody and visitation for the child based on an assessment by the LDSS. SB 365 would mandate that LDSS staff have expanded qualifications and training to provide expert testimony during CINA proceedings, or have third party evaluators provide an assessment and testimony. This might unnecessarily delay the Department's timeliness in providing stable out of home placements or delay reunification. Further, this bill could increase litigation costs for CINA proceedings by mandating LDSS staff have qualifications which are not relevant to CINA proceedings or duplicate expertise by having third party evaluators.

DHS proposes an amendment to the bill that would exclude Child in Need of Assistance (CINA) cases from the types of proceedings that require a custody evaluation, and including the following statement on page 3 line 21; "other than a proceeding under the jurisdiction of the juvenile court under Courts and Judicial Proceeding Article § 3-803." These changes will enable DHS to continue providing children safe out-of-home placements with kin or achieve safe reunification without additional, unnecessary hurdles.

If you require additional information, please contact Rachel Sledge, Director of Government Affairs, at rachel.sledge@maryland.gov.

In service,



Rafael López
Secretary

