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THE SENATE OF MARYLAND
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The Senate Judicial Proceedings Committee

SB 365 Family Law – Child 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 365, Child 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 involved in child custody court 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 their protective parents experience when child abuse or domestic violence is alleged during court custody proceedings. I have continued working on domestic violence issues and advocating for children with my appointment to the Governor’s Family Violence Council in 2021.

This priority legislation, co-sponsored by Vice-Chair Jeff Waldstreicher and Senator Chris West, would require that Child Custody Evaluators have basic qualifications and receive basic training before being appointed or approved by a court to perform a custody evaluation. Courts follow the recommendations of the custody evaluator in over 90 percent of custody cases. After hearing from parents, advocates, and legal child custody experts over the past five years, it has become clear that there is a distinct need for custody evaluators to have consistent qualifications and training before being appointed or approved to one of these most sensitive court cases. This bill is all about putting the child first.

Two years ago, 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.

In an effort to work in good faith with the Maryland Judiciary, this bill is consistent with the qualifications and training requirements for custody evaluators in Kayden’s Law, which was part of the federal Violence Against Women Act of 2022, bringing Maryland closer to being able to receive federal funding for this training. The bill before you has been revised from last year to broaden the subject matters of the training for child custody evaluators and allows custody

evaluators to consult with additional experts on other subject matters, addressing a concern of the Maryland Judiciary regarding the availability of child custody evaluators while still enabling child custody evaluators to be accurate in their assessments.

Additionally, to accommodate the concerns of the Maryland Judiciary, this bill only requires 20 hours of initial training and not less than 15 hours of training every three years thereafter, which is significantly lower than the initial request of 60 hours of training. For reference, Court Appointed Special Advocate volunteers receive 40 hours of training and Animal Control officers receive 80 hours of initial training and six hours of continued training every two years.

A question was previously raised on whether the child custody evaluators qualifications and training requirements should be in a Rule or in a Statute. As all of you know, the legislative process is open to the public and legislators are heavily invested in listening to constituents and advocates on all sides of an issue. Over the course of being the lead author in sponsoring the child custody evaluators qualifications and training bill for the past three sessions, I, along with the increasing number of proponents for this legislation, have worked hard to advance this child protection bill.

Senate Bill 365 is a child protection bill when you think that 21 Maryland children have been killed since 2008 by a parent when divorce, separation, custody visitation, child support or court-involvement is a factor. Putting in statute that Maryland's child custody evaluators will be qualified and trained helps protect children in these most sensitive and potentially dangerous child custody cases involving allegations of child abuse and domestic violence.

When we think about the many qualifications and training bills that the Maryland General Assembly has passed into law over the years that impact positions NOT dealing with our most precious responsibility, our children, I believe we as legislators have a moral obligation to pass the child custody evaluators qualifications and training bill this session and ensure that it becomes law this year. It simply is long overdue.

I know this Committee recognizes that child custody evaluators have an important role in assisting family law courts in determining custody outcomes, especially in the most sensitive and difficult cases involving allegations of domestic violence and child abuse. I have heard testimonials from several protective parents and children who were put in danger due to an untrained, unqualified custody evaluator, some of which are included in your bill file.

- Annie Kenny, a protective parent from St. Mary's County, spent years trying to protect her daughters from her ex-husband, who was already a convicted and registered sex offender **before** family court proceedings began in June of 2017 (Case Number: 18-C-17-000720). Despite all of these efforts, it wasn't until their fourth court appearance that the term "abuse" was allowed, and the term "sexual abuse" has yet to be spoken in the courtroom. Due to the continued court-mandated visitations with the father, her daughter Nora has struggled with anxiety, PTSD, and attempted suicide. The only reason these visitations stopped was not that the family court finally took action to protect her daughters, but that her ex-husband was convicted of sexually abusing other children and currently is serving his prison sentence. In this instance, the Court was more interested in

finding a way for the children to live peaceably with parents who are combative, not **why** the parents were combative or in protecting these children.

- Jared Ross, a protective father from Howard County, learned just how much weight child custody evaluators are given when he began divorce court proceedings against his wife Jenny in 2017 (Case Number: 13-C-17-111078). Both child custody evaluators refused to take into account Jenny's addiction and the well-known impact that addiction can have on children. Jenny received full custody of their three daughters and despite court orders, moved twice and left them in close contact with a live-in abusive boyfriend. It was only in September of 2023, after the daughters were allowed to speak in court themselves, that Jared was granted 100 percent legal custody. His daughters lost five years of their childhood and were placed in a dangerous situation due to the weight the child custody evaluators were given in court.
- Hera McLeod's story firmly shows why consistent qualifications and training for child custody evaluators are desperately needed. Hera McLeod is a protective parent from Montgomery County whose separated from her child's father on July 17, 2011 (Case Number: Family Law 96093). The child custody evaluator assigned to her case understood that the father, Joaquin Rams, was dangerous to Hera and her son Prince, based on evidence presented by several witnesses in Rams' life who believed he routinely abused his older son and that he had already killed two people. Unfortunately, Rams' attorney was able to have the child custody evaluator's testimony disregarded due to the lack of training and credentials of the child custody evaluator. In October of 2012, Prince was murdered by his father when he was 15 months old. In the opinion of Paul Griffin, Child Justice, Inc. Legal Director, if child custody evaluators were required to have qualifications and training, Hera's case most likely would have had a different outcome and Prince would be alive today. I agree.

In Maryland, we know of at least 21 children who have been murdered by a parent since 2008. Five of those children were already involved in a family court-related proceeding and could have been saved if the system did not fail them. The purpose and essence of this bill is to protect children in vulnerable circumstances from further harm. I have heard too many stories like these where children were put in danger again and again because the court has ordered the child be in the presence of their abuser, and a majority of those decisions were based on the conclusions of an unqualified and untrained custody evaluator.

Now is the time to move forward on SB 365 to ensure that child custody evaluators meet certain qualifications and training requirements to better protect our 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, the time is now. I respectfully urge the Senate Judicial Proceedings Committee Members for a swift and favorable report on Senate Bill 365. Thank you for your kind attention and consideration.