



BILL NO: Senate Bill 365
TITLE: Family Law - Child Custody Evaluators - Qualifications and Training
COMMITTEE: Judicial Proceedings
HEARING DATE: February 8, 2024
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 365.**

Senate Bill 365 would move qualifications for custody evaluators in family law cases from the Maryland Rules to the Maryland Code. 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. MNADV supports the concept that custody evaluators, and others involved in custody cases 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. However, the benefit of addressing this via rule rather than statute is that the Judiciary can change them as necessary, rather than requiring new bills to be introduced whenever new social science or research dictates a necessary change. SB 365 is in some conflict with the Rule.

MNADV refers the legislative body to the written testimony provided by the MSBA Family Law Section Council. It reviews in great detail the drafting problems within SB 365. Training that covers the dynamics of domestic violence, trauma and trauma response, should be a part of custody evaluators knowledge base. However, this bill does not appreciate the cost for a custody evaluation and that many parties and families cannot pay for this as proposed in SB 365 potentially in almost every custody matter. In addition, not every case requires a custody evaluation which can be intrusive and traumatizing.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges an unfavorable report with on SB 365.**