

SB365  
2024 Maryland General Assembly Session  
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Favorable with Amendments

SB365 is intended to improve training of custody evaluators and prevent legitimate cases of domestic violence from being recognized due to a lack of training. There is no doubt this bill is well-intended. Unfortunately, SB365 also has critical errors that will ultimately harm children. By limiting the breadth and scope of experts permissible in family court, by ignoring a very serious form of child psychological abuse known as parental alienation, and by not training on parent-child contact issues and psychological abuse, children will be left in abusive homes.

SB365 will limit experts to only those experienced in domestic violence, excluding those experts in personality disorders, attachment, trauma, and other experts who may be of benefit to family court cases. Maryland has adopted the Daubert Standard and that should be applied in SB365.

SB365 also limits who is qualified to provide the training curriculum to a very narrow and specific range of trainers and domestic violence issues. While this sounds common sense in a custody evaluator bill, the below the surface reality is that there is implicit bias by having trainers who are described on page 5, line 5 "...a survivor of domestic violence or child physical or sexual abuse." Of important note is that survivors of child psychological abuse are not included as eligible trainers. Not including survivors of child psychological abuse is a deliberate omission by stakeholders, who are not only *not* concerned with child psychological abuse, but contend in part that child psychological abuse is "code for parental alienation," that it is just parents acting like "jerks," and claim it is difficult to prove. These are incorrect understandings of psychological abuse.

Finally, SB365 seeks to limit any claims of parental alienation. This is the underlying text of page 5, line 7-10, reading in part, "Not include theories, concepts, or belief systems unsupported by the research described [above]." Bill authors are referring to parental alienation. Stakeholders discredit parental alienation by claiming the science behind it is "junk science." Further, it is claimed that no credible organization acknowledges parental alienation. However, not only are there over one thousand peer reviewed journal articles, book chapters, books, and articles on PA, the American Psychological Association does recognize parental alienation in its 2022 publication [Guidelines for](#)

[\*Child Custody Evaluations in Family Law Proceedings\*](#)<sup>1</sup>. While there is no doubt that false claims of parental alienation have been levied in court cases, so too are other false claims of abuse. That doesn't mean an allegation is discredited because it is deemed not a form of abuse by some.

Proposed amendments to SB365:

1. Expand expert list according to the Daubert Standard.
2. Remove negative references to parental alienation.
3. Psychological abuse and parent/child contact issues added at various places in the bill (page 3, lines 15, 26- 27; page 4 lines 19- 20, 25; page 5 lines 14 and 17.)

This writer urges readers to consider the work on a survivor of parental alienation. The Anti-Alienation Project can be found on [Youtube](#) at Anti-Alienation Project<sup>2</sup>.

There is no disagreement that improved and standardized training is desperately needed in Maryland's Family Courts for custody evaluators. SB365 is a well-intended bill that seeks to improve custody evaluator training. However, that training must include a wide breadth of experts as permitted by Daubert Standard, include all types of abuse including psychological abuse/parental alienation and parent-child contact issues. All children suffering from all forms of abuse deserve protection.

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<sup>1</sup> Association, American Psychological . 2022. "APA GUIDELINES for Child Custody Evaluations in Family Law Proceedings." Apa.org. 2022. <https://www.apa.org/about/policy/child-custody-evaluations.pdf>.

<sup>2</sup>"What Is Parental Alienation? (Adult Child POV)." n.d. Wwww.youtube.com. Accessed February 7, 2024. [https://youtu.be/PS5k\\_VAiZHA?si=2XVhHLMkONbzGIOS](https://youtu.be/PS5k_VAiZHA?si=2XVhHLMkONbzGIOS).

# SENATE BILL 365

D4  
SB 13/23 – JPR

4r1171  
CF 4r1547

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By: **Senators Carozza, Waldstreicher, and West**  
Introduced and read first time: January 17, 2024  
Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Child Custody Evaluators – Qualifications and Training**

3 FOR the purpose of specifying certain qualifications and training necessary for an  
4 individual to be appointed or approved by a court as a custody evaluator; specifying  
5 that certain expert evidence is admissible in certain child custody and visitation  
6 proceedings under certain circumstances; and generally relating to child custody and  
7 visitation.

8 BY repealing and reenacting, with amendments,  
9 Article – Family Law  
10 Section 9–101.1  
11 Annotated Code of Maryland  
12 (2019 Replacement Volume and 2023 Supplement)

13 BY adding to  
14 Article – Family Law  
15 Section 9–109  
16 Annotated Code of Maryland  
17 (2019 Replacement Volume and 2023 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
19 That the Laws of Maryland read as follows:

### Article – Family Law

20 9–101.1.

22 (a) In this section, “abuse” has the meaning stated in § 4–501 of this article.

23 (b) In a custody or visitation proceeding, the court shall consider, when deciding  
24 custody or visitation issues, evidence of abuse by a party against:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



- 1 (1) the other parent of the party's child;
- 2 (2) the party's spouse; or
- 3 (3) any child residing within the party's household, including a child other  
4 than the child who is the subject of the custody or visitation proceeding.

5 (c) If the court finds that a party has committed abuse against the other parent  
6 of the party's child, the party's spouse, or any child residing within the party's household,  
7 the court shall make arrangements for custody or visitation that best protect:

- 8 (1) the child who is the subject of the proceeding; and
- 9 (2) the victim of the abuse.

10 **(D) IN A CHILD CUSTODY OR VISITATION PROCEEDING IN WHICH A PARENT**  
11 **IS ALLEGED TO HAVE COMMITTED ABUSE UNDER THIS SECTION, EXPERT EVIDENCE**  
12 **FROM A COURT-APPOINTED OR PARTY-RETAINED PROFESSIONAL RELATING TO**  
13 **THE ALLEGED ABUSE MAY BE ADMITTED ONLY IF THE ~~PROFESSIONAL POSSESSES~~**  
14 **~~DEMONSTRATED EXPERTISE AND CLINICAL EXPERIENCE IN WORKING WITH VICTIMS~~**  
15 **~~OF ABUSE THAT IS NOT SOLELY FORENSIC IN NATURE.~~ IS FOUND TO SATISFY THE DAUBERT**  
**STANDARD.**

16 **9-109.**

17 **(A) IN THIS SECTION, "CUSTODY EVALUATOR" MEANS AN INDIVIDUAL**  
18 **APPOINTED OR APPROVED BY A COURT TO PERFORM A CUSTODY EVALUATION.**

19 **(B) A COURT MAY NOT APPOINT OR APPROVE AN INDIVIDUAL AS A CUSTODY**  
20 **EVALUATOR UNLESS THE INDIVIDUAL:**

21 **(1) IS:**

22 **(I) A PHYSICIAN LICENSED IN ANY STATE WHO IS**  
23 **BOARD-CERTIFIED IN PSYCHIATRY OR HAS COMPLETED A PSYCHIATRY RESIDENCY**  
24 **ACCREDITED BY THE ACCREDITATION COUNCIL FOR GRADUATE MEDICAL**  
25 **EDUCATION OR A SUCCESSOR TO THAT COUNCIL;**

26 **(II) A MARYLAND LICENSED PSYCHOLOGIST OR A**  
27 **PSYCHOLOGIST WITH AN EQUIVALENT LEVEL OF LICENSURE IN ANY OTHER STATE;**

28 **(III) A MARYLAND LICENSED CLINICAL MARRIAGE AND FAMILY**  
29 **THERAPIST OR A CLINICAL MARRIAGE AND FAMILY THERAPIST WITH AN**  
30 **EQUIVALENT LEVEL OF LICENSURE IN ANY OTHER STATE;**

1 (IV) A MARYLAND LICENSED CERTIFIED SOCIAL  
2 WORKER—CLINICAL OR A CLINICAL SOCIAL WORKER WITH AN EQUIVALENT LEVEL  
3 OF LICENSURE IN ANY OTHER STATE;

4 (V) 1. A MARYLAND LICENSED GRADUATE OR MASTER  
5 SOCIAL WORKER WITH AT LEAST 2 YEARS OF EXPERIENCE IN ONE OR MORE OF THE  
6 AREAS LISTED IN SUBSECTION (D)(1) OF THIS SECTION; OR

7 2. A GRADUATE OR MASTER SOCIAL WORKER WITH AN  
8 EQUIVALENT LEVEL OF LICENSURE AND EXPERIENCE IN ANY OTHER STATE; OR

9 (VI) A MARYLAND LICENSED CLINICAL PROFESSIONAL  
10 COUNSELOR OR A CLINICAL PROFESSIONAL COUNSELOR WITH AN EQUIVALENT  
11 LEVEL OF LICENSURE IN ANY OTHER STATE; AND

12 (2) HAS TRAINING IN:

13 (I) CHILD GROWTH AND DEVELOPMENT;

14 (II) PSYCHOLOGICAL TESTING;

15 (III) PARENT—CHILD BONDING; INCLUDING UNHEALTHY ATTACHMENTS

16 (IV) SCOPE OF PARENTING;

17 (V) ADULT DEVELOPMENT AND PSYCHOPATHOLOGY;

18 (VI) FAMILY FUNCTIONING; AND

19 (VII) CHILD AND FAMILY DEVELOPMENT.

20 (C) IF A COURT IDENTIFIES ONE OR MORE OF THE FOLLOWING ISSUES IN A  
21 CUSTODY OR VISITATION PROCEEDING, THE COURT SHALL APPOINT A CUSTODY  
22 EVALUATOR OR LICENSED HEALTH CARE PROVIDER WHO HAS EXPERIENCE,  
23 EDUCATION, TRAINING, OR SUPERVISION IN THE SPECIFIC ISSUE IDENTIFIED:

24 (1) PHYSICAL, SEXUAL, OR PSYCHOLOGICAL ABUSE OF AN INTIMATE  
25 PARTNER OR FORMER INTIMATE PARTNER;

26 (2) PHYSICAL, SEXUAL, OR PSYCHOLOGICAL ABUSE OF A CHILD;  
INCLUDING PARENT CHILD CONTACT ISSUES

27 (3) COERCIVE CONTROL; INCLUDING PARENT CHILD CONTACT ISSUES

1 (4) NEGLECT OF A CHILD;

2 (5) TRAUMA OR TOXIC STRESS;

3 (6) ALCOHOL OR SUBSTANCE ABUSE;

4 (7) MEDICAL, PHYSICAL, OR NEUROLOGICAL IMPAIRMENT THAT  
5 AFFECTS THE ABILITY TO EFFECTIVELY PARENT; OR

6 (8) ANY OTHER ISSUE RELEVANT TO A CUSTODY PROCEEDING THAT  
7 THE COURT DETERMINES REQUIRES SPECIFIC EXPERIENCE, EDUCATION, TRAINING,  
8 OR SUPERVISION.

9 (D) (1) BEGINNING OCTOBER 1, 2025, IN ADDITION TO MEETING THE  
10 REQUIREMENTS UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION AND  
11 COMPLYING WITH THE CONTINUING EDUCATIONAL REQUIREMENTS OF THE  
12 APPLICABLE FIELD, BEFORE APPOINTMENT OR APPROVAL BY A COURT AS A  
13 CUSTODY EVALUATOR, AN INDIVIDUAL MUST COMPLETE AT LEAST 20 HOURS OF  
14 INITIAL TRAINING AND NOT LESS THAN 15 HOURS OF TRAINING EVERY 3 YEARS  
15 THEREAFTER IN AREAS THAT FOCUS SOLELY ON DOMESTIC AND SEXUAL VIOLENCE  
16 AND CHILD ABUSE, INCLUDING:

17 (I) CHILD SEXUAL ABUSE;

18 (II) PHYSICAL ABUSE;

19 (III) EMOTIONAL ABUSE; INCLUDING PARENT CHILD CONTACT ISSUES

20 (IV) COERCIVE CONTROL; INCLUDING PARENT CHILD CONTACT ISSUES

21 (V) IMPLICIT AND EXPLICIT BIAS, INCLUDING BIASES RELATING  
22 TO DISABILITIES;

23 (VI) TRAUMA;

24 (VII) LONG- AND SHORT-TERM IMPACTS OF DOMESTIC VIOLENCE  
25 AND CHILD ABUSE ON CHILDREN; ~~AND~~ INCLUDING PSYCHOLOGICAL ABUSE AND PARENT CHILD  
CONTACT ISSUES; AND

26 (VIII) VICTIM AND PERPETRATOR BEHAVIOR PATTERNS AND  
27 RELATIONSHIP DYNAMICS WITHIN THE CYCLE OF VIOLENCE.

28 (2) THE TRAINING REQUIRED UNDER PARAGRAPH (1) OF THIS  
29 SUBSECTION SHALL:

**(I) BE PROVIDED BY:**

BE PROVIDED BY A PROFESSIONAL WITH CLINICAL, FORENSIC, OR RESEARCH EXPERIENCE IN DOMESTIC VIOLENCE, PSYCHOLOGICAL ABUSE INCLUDING PARENT CHILD CONTACT ISSUES, AND SEXUAL ABUSE; ~~A PROFESSIONAL WITH SUBSTANTIAL EXPERIENCE IN~~

~~ASSISTING SURVIVORS OF DOMESTIC VIOLENCE OR CHILD ABUSE, INCLUDING A VICTIM SERVICE PROVIDER; AND~~

**2. IF POSSIBLE, A SURVIVOR OF DOMESTIC VIOLENCE OR CHILD PHYSICAL OR SEXUAL ABUSE; EVIDENCE-BASED, PEER REVIEWED RESEARCH;**

**(II) RELY ON EVIDENCE-BASED RESEARCH BY RECOGNIZED EXPERTS IN THE TYPES OF ABUSE DESCRIBED IN ITEM (I) OF THIS PARAGRAPH;**

**(III) NOT INCLUDE THEORIES, CONCEPTS, OR BELIEF SYSTEMS UNSUPPORTED BY THE RESEARCH DESCRIBED IN ITEM (II) OF THIS PARAGRAPH; AND**

**(IV) BE DESIGNED TO IMPROVE THE ABILITY OF COURTS TO:**

**PHYSICAL AND PSYCHOLOGICAL**

**1. RECOGNIZE AND RESPOND TO CHILD ~~PHYSICAL~~ ABUSE, CHILD SEXUAL ABUSE, DOMESTIC VIOLENCE, AND TRAUMA IN VICTIMS, PARTICULARLY CHILDREN; AND**

**PHYSICAL AND**

**PSYCHOLOGICAL SAFETY**

**2. MAKE APPROPRIATE CUSTODY DECISIONS THAT PRIORITIZE SAFETY AND WELL-BEING AND ARE CULTURALLY SENSITIVE AND APPROPRIATE FOR DIVERSE COMMUNITIES.**

**(E) IN ANY ACTION IN WHICH CHILD SUPPORT, CUSTODY, OR VISITATION IS AT ISSUE, A COURT SHALL PROVIDE INFORMATION TO THE PARTIES REGARDING THE ROLE, AVAILABILITY, AND COST OF A CUSTODY EVALUATOR IN THE JURISDICTION.**

**(F) BEFORE ENGAGING IN THE CUSTODY EVALUATION PROCESS, A CUSTODY EVALUATOR SHALL PROVIDE, IN WRITING, INFORMATION REGARDING THE POLICIES, PROCEDURES, AND FEES AND COSTS FOR THE EVALUATION.**

**(G) THE ADMINISTRATIVE OFFICE OF THE COURTS MAY ADOPT PROCEDURES TO IMPLEMENT THIS SECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.