



TO: The Honorable William Smith, Chair
Members, Judicial Proceedings Committee

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RE: **SUPPORT** – Senate Bill 365 – *Family Law - Child Custody Evaluators – Qualifications and Training*.

The Maryland Chapter of the American Academy of Pediatrics (MDAAP) is a statewide association representing more than 1,100 pediatricians and allied pediatric and adolescent healthcare practitioners in the State and is a strong and established advocate promoting the health and safety of all the children we serve. On behalf of MDAAP, we submit this letter of **support** for Senate Bill 365.

MDAAP strongly *supports SB 365 – Family Law - Child Custody Evaluators – Qualifications and Training*. Key components of the legislation include: (1) Required credentialing of custody evaluators; (2) Required clinical experience for appointment as a custody evaluator (e.g., in family systems, domestic violence, child abuse, child development, childhood trauma, short and long-term impacts of parental separation, and protective factors); (3) Required participation in initial and ongoing training; (4) Required sharing of information by the court to involved parties about the role, availability and cost of custody evaluators; and (5) Required written provision of policies, procedures, fees, and costs by custody evaluators to involved parties prior to engagement.

Senate Bill 365 was developed from recommendations of the *Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations* established by Senate Bill 567 (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. Over the course of 18 months, the Workgroup heard testimony from multiple experts as well as from parents who had gone through these contentious custody cases.

The Workgroup issued its 140-page report¹ in September 2020 adopting over 20 recommendations focused on better protecting children through such court proceedings. Testimony from experts and parents as well research before the Workgroup provided evidence that judges give extraordinary weight to custody

¹http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnChdAbuseDomViol/FinalReport_Workgroup_to_Study_Child_Custody_Court_Proceedings_Involving_Child_Abuse_or_Domestic_Violence.pdf (hereinafter “Report”).

evaluators and that custody evaluators, depending upon their training and expertise, may focus on and/or give weight to irrelevant factors.² Additionally, custody evaluators in Maryland are granted quasi-judicial immunity, shielding them from malpractice lawsuits.³ This makes holding evaluators accountable to specific educational, experiential, and training standards even more important.⁴

Ensuring proper qualifications, experience and training of custody evaluators – on childhood development, trauma, various types of child abuse and neglect and investigations, as well as the dynamics of domestic violence – is central to the very standard judges use to decide custody, i.e., “the best interest of the child”. The proposed training includes critical science about early childhood brain development, how traumatic events impacts this development, state-investigatory processes and their limits, interpersonal dynamics that contribute to abusive behavior, the validity of and need for risk assessments, and preventive measures to mitigate abuse. These are the same topics that the Legislature previously mandated that judges receive.

Exposure to adverse childhood experiences such as child abuse and domestic violence increase a child’s risk of long-term physical and mental health problems. These risks can be mitigated by the presence of supportive adults and protection from those that are abusive. Determining what is in the best interest of the child requires deep understanding of family dynamics, child development, adverse and positive childhood experiences, and other issues. Passage of this bill will ensure that children caught in the middle of custody disputes where abuse is alleged have high quality assessments by court evaluators and recommendations that place children in safe, stable and nurturing environments and allow them to flourish.

For these reasons a favorable report is requested.

² Report at 35.

³ *See Williams v. Rappeport*, 699 F. Supp. 501, 508 (D. Md. 1988) (“Accordingly, [custody evaluators] Drs. Rappeport and Dvoskin are entitled to the protection of absolute immunity and the grant of summary judgment.”).

⁴ Timothy M. Tippins, *New York Law Journal*, “The Bar Won’t Raise Itself: The Case for Evaluation Standards,” July 8, 2013.