



PO Box 368 Laurel, MD 20725

410-992-4258

www.marylandpsychology.org

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Senator William C. Smith, Jr., Chair
Senator Jeff Waldstreicher, Vice Chair
Judicial Proceedings Committee
Miller Senate Office Building, 2 East
Annapolis, MD 21401

RE: SB 327 – Family Law – Child Custody Evaluators – Determinations

Position: Support

Dear Chair Smith, Vice Chair Waldstreicher, and Members of the Committee:

The Maryland Psychological Association, (MPA), which represents over 1,000 doctoral level psychologists throughout the state, asks the Senate Judicial Proceedings Committee to **report favorably on SB 327**.

Maryland trial courts make determinations regarding child custody based on the “best interests” of the child standard. However, as you well know, there is currently no statute which specifies the factors and criteria the Courts “may” or “shall” consider when making these critical decisions. As a result, the courts look to a list of factors enumerated in case law including *Montgomery County v. Sanders*, 38 Md. App. 406, 420, 381 A.2d 1154 (1977) and *Taylor v. Taylor*, 60 Md. App. 268 (1984).

The Maryland legislature authorized the Commission on Child Custody Decision Making in 2013. One of the considerations of the Commission was whether Maryland could benefit from, or “needs a statute specific to child custody decisions.” The Commission issued its Final Report in December 2014 and recommended that Maryland develop a statute to identify “best interests of a child factors.” The Commission also noted that Maryland is one of the handful of states which do not have statutory factors.

SB 327 identifies the best interest of the child factors the court may consider when making determinations regarding legal and physical custody. The factors identified in SB 327 are the result of years of work by parents, interested parties, various stakeholders, the legal community, and the mental health community. The factors include needs of the child factors, abilities of the parents’ factors, and include research-based considerations such as “how to...protect the child from the negative effects of any conflict between the parents...” which has been shown to be a significant predictor of a child’s adjustment following divorce. The MPA strongly supports the factor which provides for “frequent, regular, and continuing contact with parents *who can act in the child’s best interest*” [italics added]. The MPA, in contrast, strongly opposes presumptions which provide significant time with parents without considering their parenting skills, their ability to recognize and act in the child’s best interest, and the child’s relationship with that parent.

SB 327 provides clear factors to the Judiciary, and to the increasing numbers of parents who are self-represented and do not have a “guidebook” (i.e. statute) to help them know what issues they want to present to the court and what “case” they want to provide to the court during their own divorce hearings.

The MPA strongly encourages the Committee to report favorably on SB 327. If we can be of any further assistance as the Senate Judicial Proceedings Committee considers this bill, please do not hesitate to contact MPA’s Legislative Chair, Dr. Stephanie Wolf, JD, Ph.D. at mpalegislativcommittee@gmail.com.

Respectfully submitted,

Brian Corrado, Psy.D.

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President

Stephanie Wolf, JD, Ph.D.

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Chair, MPA Legislative Committee

cc: Richard Bloch, Esq., Counsel for Maryland Psychological Association
Barbara Brocato & Dan Shattuck, MPA Government Affairs