



DEPARTMENT OF HUMAN SERVICES

Wes Moore, Governor · Aruna Miller, Lt. Governor · Rafael López, Secretary

January 20, 2026

The Honorable William C. Smith, Jr., Chair
Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, Maryland 21401

**RE: TESTIMONY ON SB 222 - FAMILY LAW - CHILD CUSTODY EVALUATORS -
QUALIFICATIONS - POSITION: FAVORABLE WITH AMENDMENTS**

Dear Chair Smith and Members of the Judicial Proceedings Committee:

The Maryland Department of Human Services (DHS) thanks the committee for its consideration and respectfully requests a favorable report with amendment for Senate Bill 222 (SB 222).

With offices in every one of Maryland's jurisdictions, DHS empowers Marylanders to reach their full potential by providing preventative and supportive services, economic assistance, and meaningful connections to employment development and career opportunities. The DHS Social Services Administration (SSA) oversees the Office of Child Prevention and Safety, whose purpose is to ensure the safety of children at risk of abuse and neglect across Maryland. SB 222 would add required qualifications and training for a professional to be appointed or approved as a custody evaluator by the court and for their eligibility to provide expert evidence in custody or visitation proceedings that include allegations of abuse. We see these changes as proactive measures that further our priorities for the safety and well-being of children.

SB 222 would ensure that a licensed professional conducts assessments of children and families who experienced trauma, and then provides a report with the outcome of that assessment to the court. This process allows judges to make informed decisions on the primary custody of children. Ensuring high-quality child custody practices is essential for the well-being of the children and families we serve.

DHS raised a concern with the sponsors about the impact we believe the bill would have on child in need of assistance (CINA) hearings. A separate custody assessment in

25 S. Charles Street, Baltimore, MD 21201-3500
Tel: 1-800-332-6347 | TTY: 1-800-735-2258 | www.dhs.maryland.gov

a CINA juvenile hearing would be redundant and an unnecessary burden on the child, family, and court, based on COMAR 07.02.11.20. The purpose of a CINA hearing is to review the Department's reasonable efforts to rectify safety concerns that led to a child being placed in out-of-home care. During these hearings, the services offered to the family, the parents' progress, and the parents' visitation rights are reviewed. Permanency plan hearings are held at least every six months and can be held more frequently if requested by an involved party. Courts and Judicial Proceedings Article § 3-816 describes the studies and evaluations that the court may currently order concerning a CINA proceeding.

Due to the circumstances outlined above, we propose an amendment to exclude CINA cases from the types of proceedings that require a custody evaluation. DHS is dedicated to achieving safe family reunification or placing children with kin.

We appreciate the opportunity to provide favorable testimony to the Committee for consideration during your deliberations. You will find our proposed amendment on the following page. We look forward to the decision of the Committee and welcome continued collaboration on SB 222.

If you require additional information, please contact Justin Hayes, Acting Director of Government Affairs, at justin.hayes1@maryland.gov.

In service,

A handwritten signature in black ink, appearing to read 'Rafael López', written in a cursive style.

Rafael López
Secretary

Proposed Amendment

Amendment No. 1

On page 1, lines 16 and 17 changed to read:

(B) ON MOTION OF A PARTY OR CHILD'S COUNSEL, OR ON ITS OWN INITIATIVE, A COURT, EXCEPT A COURT SITTING AS A JUVENILE COURT UNDER TITLE 3, SUBTITLE 8, OF COURTS AND JUDICIAL PROCEEDINGS, MAY: