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Executive Nominations Committee

**THE SENATE OF MARYLAND**  
**ANNAPOLIS, MARYLAND 21401**

**January 20, 2025**

**The Senate Judicial Proceedings Committee**

**SB 222 Family Law – Child Custody Evaluators – Qualifications**

**Statement of Support by Bill Sponsor Senator Mary Beth Carozza**

Thank you Chair Smith, Vice Chair Waldstreicher, and members of the distinguished Senate Judicial Proceedings Committee for this opportunity to present Senate Bill 222, Child Custody Evaluators – Qualifications for the sixth consecutive session, and to respectfully urge a favorable report for this priority child protection legislation.

I present this bill on behalf of the many Maryland families, children and child safety advocates who remain committed to passage of legislation ensuring qualified and trained child custody evaluators whose recommendations impact the placement of children, many of whom have already experienced trauma and should be protected.

For the past five sessions, we have been working in good faith with the Judiciary and other organizations to revise this bill for final passage. As way of background, this child custody evaluators qualifications and training bill was developed out of the work and recommendations of the Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations established by SB 567 (2019). The Workgroup was chaired by former Maryland Secretary of State John Wobensmith and former Senator and JPR member, Susan Lee and I also served on the Workgroup.

Serving on that Workgroup has been one of my most important public service assignments, given the magnitude of the trauma that many children and their protective parents experience when child abuse or domestic violence is alleged during court custody proceedings.

The Workgroup's final report included 20 recommendations, two of which were legislative recommendations related to the training of judges in child custody cases involving child abuse or domestic violence and the training and qualifications of child custody evaluators.

In 2022, this Committee and the Maryland General Assembly approved Senate Bill 17, sponsored by Senator Chris West, requiring the training of judges presiding over child custody cases involving child abuse and domestic violence.

It only makes sense that child custody evaluators meet certain qualifications and be trained along the same lines as the judges, especially given the heavy reliance of judges on the recommendations of child custody evaluators.

Over the past couple of years, working with the Judiciary, we have made significant progress with this updated and revised bill which reflects the recently updated Judiciary Rule for child custody evaluators. In 2024, a bipartisan workgroup made up of Delegate Crutchfield, Delegate Kaufman, Senator West and myself met with Judge Dumais representing the Maryland Judiciary to work together on updating and strengthening Rule 9-205.3, which are the regulations the Maryland Judiciary follows regarding the appointment or approval by a court of a person to perform a child custody evaluation.

We are grateful for Judge Dumais' leadership and her work to update Rule 9-205.3, and Senate Bill 222 before you today reflects the updated Judiciary Rule effective October 1, 2025. The Rule and SB 222 includes two amendments agreed upon last session to specify that Custody Evaluators should have demonstrated knowledge of (1) child sexual abuse and (2) disability-related issues.

SB 222 also includes the Judiciary's amendment that the Court may waive the requirements for a court employee or an individual under contract with the court who conducted custody evaluations for at least 14 years prior to January 1, 2025; has completed a training program that conforms to the guidelines established by the Administrative Office of the Courts, and completes at least 20 hours per year of continuing education relevant to conducting custody evaluations.

A question has been raised in the past on whether the child custody evaluator qualifications and training requirements should be in a Rule or in a Statute. The logical response is it can be and should be in both. Impacted families and child protection advocates have been demanding that these qualifications and training requirements for child custody evaluators be put into law just as the judges' training bill was put into law in 2022.

Additionally, while Maryland recognizes that a Rule "shall have the force of law" without actually being law, it is unclear whether the federal government would share that recognition, and therefore, any federal funding through Kayden's Law or other federal statutes could be in jeopardy and not available to the State of Maryland without passage of Senate Bill 222.

Senate Bill 222 is a child protection bill especially when you think about the 21 Maryland children who were killed between 2008 – 2023 when divorce, separation, custody visitation, child support or court-involvement is a factor and when we think about the thousands of other children that have been traumatized when these same factors are involved.

Putting in statute that Maryland's child custody evaluators will be qualified and trained helps protect children in these most sensitive and potentially dangerous child custody cases involving allegations of child abuse and domestic violence and also builds good will and trust with the Judiciary.

When we think about the many qualifications and training bills that the Maryland General Assembly has passed into law over the years that impact positions NOT dealing with our most precious responsibility, our children, I believe we as legislators have a moral obligation to pass

the child custody evaluators qualifications and training bill this session and ensure that it becomes law this year. It simply is long overdue.

I know this Committee recognizes that child custody evaluators have an important role in assisting family law courts in determining custody outcomes, especially in the most sensitive and difficult cases involving allegations of domestic violence and child abuse.

Over the past five years of sponsoring this legislation, we have heard testimonials from several protective parents and children who were put in danger due to an untrained, unqualified custody evaluator.

- Hera McLeod's story firmly shows why consistent qualifications and training for child custody evaluators are desperately needed. Hera McLeod was a protective parent from Montgomery County who separated from her child's father on July 17, 2011 (Case Number: Family Law 96093). The child custody evaluator assigned to her case understood that the father, Joaquin Rams, was dangerous to Hera and her son Prince, based on evidence presented by several witnesses in Rams' life who believed he routinely abused his older son and that he had already killed two people. Unfortunately, Rams' attorney was able to have the child custody evaluator's testimony disregarded due to the lack of training and credentials of the child custody evaluator. In October of 2012, Prince was murdered by his father when he was 15 months old. In the opinion of Paul Griffin, Child Justice, Inc. Legal Director, if child custody evaluators were required to have qualifications and training, Hera's case most likely would have had a different outcome and Prince would be alive today. I agree.

The purpose and essence of this bill is to protect children in vulnerable circumstances from further harm. I have heard too many cases where children were put in danger again and again because the court has ordered the child be in the presence of their abuser, and a majority of those decisions were based on the conclusions of an unqualified and untrained custody evaluator. Now I am hearing about cases where the recommendations of untrained and unqualified child custody evaluators from years ago are today still affecting the safety of children and protective parents.

The time is now to pass SB 222, to put it into law and to ensure that child custody evaluators meet certain qualifications and training requirements to better protect our children, many of whom are experiencing trauma, as they go through a custody court proceeding involving child abuse or domestic violence allegations.

Mr. Chair and Vice Chair, let this be the year that all our good faith efforts over the years result in your favorable report and final passage of SB 222. Thank you for your kind attention and consideration.