

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 152
Judiciary

(Delegate Kaufman)

Family Law – Child Custody Evaluators – Qualifications

This bill specifies certain requirements for an individual to be appointed by a court as a custody evaluator. **The bill takes effect July 1, 2025.**

Fiscal Summary

State Effect: The bill does not materially affect State operations or finances, although two employees of the Judiciary are affected, as discussed below.

Local Effect: The bill does not materially affect local government operations or finances.

Small Business Effect: Minimal.

Analysis

Bill Summary: A “custody evaluator” is an individual appointed or approved by a court to perform a custody evaluation. The court may, on motion of a party or child’s counsel, (1) order an assessment to aid the court in evaluating the health, safety, and welfare or best interests of a child in a contested custody or visitation case or (2) appoint a custody evaluator determined by the court to be competent to perform a home study or an evaluation of a specific issue. A court may not order the cost of an assessment to be paid, in whole or in part, by a party without giving the parties notice and an opportunity to object.

A court may not appoint an individual as a custody evaluator unless the individual (1) is a physician licensed in any state who is board certified in psychiatry or has completed an accredited psychiatry residency, as specified; (2) is a State-licensed practitioner in related fields, as specified, or has an equivalent level of licensure in another state; or (3) is a

State-licensed graduate or master social worker with at least two years of experience in one or more areas, as specified, or has an equivalent level of licensure and experience in any other state.

The individual must also have (1) completed a training program that conforms with guidelines established by the Administrative Office of the Courts (AOC); (2) complied with the continuing educational requirements of the custody evaluator's field; and (3) training or experience in observing or performing custody evaluations. The individual must also have current knowledge and experience in dealing with allegations in the following areas: domestic violence; child neglect and abuse; trauma and its impact on children and adults; family conflict and dynamics; child and adult development; and the impact of divorce and separation on children and adults.

Current Law: Pursuant to Maryland Rule 9-205.3, a custody evaluation is the study and analysis of (1) the needs and development of a child who is the subject of an applicable action or proceeding and (2) the abilities of the parties to care for the child and meet the child's needs. A custody evaluator is an individual appointed or approved by the court to perform a custody evaluation. On motion of a party or child's counsel, or on its own initiative, the court may order an assessment (including a custody evaluation) to aid the court in evaluating the health, safety, welfare, or best interests of a child in a contested custody or visitation case. In some jurisdictions, custody evaluators are court employees and perform custody evaluations free of charge to litigants. In other jurisdictions, the family support services coordinator maintains a list of qualified custody evaluators, and the county administrative judge is required to develop and adopt maximum fee schedules for custody evaluations.

Maryland Rule 9-205.3 also establishes specified requirements for custody evaluators, including those related to education, licensing, and training. Under the rule, custody evaluators must generally meet the licensure requirements as specified in the bill. However, the rule also permits the waiver of these licensing requirements for a court employee who has been performing custody evaluations on a regular basis as an employee of or under contract with the court for at least five years prior to January 1, 2016. Such individuals must then participate in at least 20 hours of continuing education annually relevant to the performance of custody evaluations, as specified.

In addition to meeting the continuing education requirements for applicable licensure, a custody evaluator is also required under Rule 9-205.3 to have training or experience in observing or performing custody evaluations as well as current knowledge in domestic violence, child neglect and abuse, family conflict and dynamics, child and adult development, and the impact of divorce and separation on children and adults. Furthermore, unless waived by the court, a custody evaluator must have completed (or

commit to completing) the next available training program that conforms with the current guidelines established by AOC, as posted on the Judiciary's [website](#).

The Code of Maryland Regulations (COMAR) also contains specific requirements governing the professional conduct of licensed psychologists who perform child custody evaluations or who otherwise render an opinion on legal or physical custody, including standards related to the competence necessary to conduct child custody evaluations. (See, generally, COMAR 10.36.09.00-05.)

Custody – Evidence of Abuse or Neglect

Under § 9-101.1 of the Family Law Article, when deciding custody or visitation issues, the court must consider evidence of abuse by a party against the other parent of the party's child, the party's spouse, or any child residing within the party's household, including a child other than the child who is the subject of the custody or visitation proceeding. If the court finds that the party has committed abuse against any of these individuals, it must make arrangements for custody or visitation that best protect the child who is the subject of the proceeding and the victim of the abuse.

State/Local Fiscal Effect: There is no material impact on State or local finances or operations, as the bill generally conforms to Maryland Rule 9-205.3. Two current employees, however, are directly impacted once the Judiciary's discretion to waive education/licensing requirements in limited circumstances is eliminated. As referenced above, Maryland Rule 9-205.3 currently affords additional flexibility by allowing the court to waive any educational and licensure requirements if the employee (1) has been employed or under contract with the court for at least five years prior to January 1, 2016, and (2) participates in 20 hours per year of continuing education and course work, as specified.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See SB 365 and HB 405 of 2024; SB 13 and HB 285 of 2023; and SB 336 and HB 1407 of 2022.

Designated Cross File: SB 25 (Senator Carozza, *et al.*) - Judicial Proceedings.

Information Source(s): Montgomery County; Judiciary (Administrative Office of the Courts); Department of Legislative Services

Fiscal Note History: First Reader - January 22, 2025
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Analysis by: Amanda L. Douglas

Direct Inquiries to:
(410) 946-5510
(301) 970-5510