

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 222

(Senator Carozza, *et al.*)

Judicial Proceedings

Judiciary

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 also prohibits a court from ordering 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. **The bill takes effect July 1, 2026.**

Fiscal Summary

State Effect: The bill does not materially affect State operations or finances.

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 conduct 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 conduct a home study or an evaluation of a specific issue.

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 comply with all conditions necessary to maintain professional licensure, including completing all mandatory continuing education requirements. The individual must 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) experience in conducting or observing custody evaluations. The individual must also have demonstrated knowledge of and experience in the following topics: domestic and family violence; child neglect and abuse, including sexual abuse; child and adult development; trauma and its impact on children and adults; family dynamics and conflict resolution; disability-related issues; and the impact of divorce and separation on children and adults.

A court may waive the requirements above for a court employee or an individual under contract with the court who (1) conducted custody evaluations for at least 14 years prior to January 1, 2025; (2) has completed a training program that conforms to guidelines established by AOC; and (3) completes at least 20 hours per year of continuing education relevant to conducting custody evaluations.

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. These requirements generally align with the bill.

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.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See SB 25 and HB 152 of 2025; SB 365 and HB 405 of 2024; and SB 13 and HB 285 of 2023.

Designated Cross File: HB 137 (Delegate Kaufman, *et al.*) - Judiciary.

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

Fiscal Note History: First Reader - January 15, 2026
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