

**Carozza\_FAV\_SB665**

Uploaded by: Carozza, Senator Mary Beth

Position: FAV

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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

February 25, 2020

Senate Judicial Proceedings Committee

**SB 665 Family Law - Custody Evaluator - Information to Parties**

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

Thank you Chairman Smith, Vice-Chair Waldstreicher, and members of the Judicial Proceedings Committee for this opportunity to respectfully ask for your support of SB 665, which simply requires a court, in any action in which child support, custody, or visitation is at issue, to provide information to the parties regarding the role, availability, and cost of a custody evaluator.

I worked closely with my colleagues of the Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations to focus on areas such as evaluators, Protocols for child safety during investigations of allegations of abuse, therapists, and how waivers impact therapeutic relationships. Although this legislation was not an official recommendation from the workgroup, this simple provision was supported unanimously from all members present.

During our Workgroup meetings, participants shared examples where parents and other parties were simply unaware of the role of the custody evaluator and commented that it would have been a useful option to know about on the front end of the process. In this work we discovered the necessity for this targeted piece of legislation to require the court to provide parents with information to know all that is available to them in these cases. We found that presently there is no requirement for the court to notify both parties of the existence of custody evaluators. This legislation will not only provide that requirement of notification but also explain their role and provide additional resource information.

This legislation will be an additional tool to help protect children and families that may benefit from working with a custody evaluator as they go through these often stressful proceedings. I respectfully ask my colleagues on the Senate Judicial Proceedings Committee for a favorable report of SB 665.

Thank you for your kind consideration.

**Lee\_FAV\_SB665**

Uploaded by: Senator Lee, Senator Lee

Position: FAV

SUSAN C. LEE  
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MAJORITY WHIP

Judicial Proceedings Committee

Joint Committee on  
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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

February 25, 2020

Senate Judicial Proceedings Committee

**Senate Bill 665 - Family Law -Custody Evaluator -Information to Parties**

Senate Bill 665 is a very simple bill that was brought up in a subcommittee meeting of a Workgroup to study abuse and custody decision-making. While not a direct recommendation from that workgroup, because final recommendations are to be released later in the year, this was supported unanimously from all members present. SB 665 is a common sense provision to provide information to parties regarding the role, availability, and cost of a custody evaluator.

Custody evaluators are not a cure-all and there are many problems with their use and cost, but access to them can be crucial to protect children against abuse and to find the signs of trauma that may not be apparent to less trained professionals. The Workgroup has looked at many anecdotes surrounding abuse and custody decisions, custody evaluators are usually the best able to protect children when they are astute, present and when judges listen to their insights.

Children who are abused might not show signs of trauma that can be easily observable by the untrained eye. There might even be counterintuitive actions like being comfortable with the abuser when there are others present, because the victim feels secure only when not alone with the abuser. Best Interest Attorneys are not trained to find these signs of trauma, and too often one's opinion is used to supersede the trained expert's insights. That is an issue for another day.

The courts must do all they can to protect children from abuse, this bill is perhaps the lowest hanging fruit they may see this legislative session to protect children, so I'm hoping we can work with them to harvest this ripe fruit and regroup to enact more provisions both through the court administration and legislation where required.

For these reasons, I respectfully request a favorable report on SB 665.

# **WomensLawCenter\_FAV\_SB665**

Uploaded by: Siri, Michelle

Position: FAV

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BILL NO: Senate Bill 665  
TITLE: Family Law - Custody Evaluator - Information to Parties  
COMMITTEE: Judicial Proceedings  
HEARING DATE: February 25, 2020  
POSITION: **SUPPORT**

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Senate Bill 665 would require a court, in any action in which child support, custody, or visitation is at issue to provide information to the parties regarding the role, availability, and cost of a custody evaluator. The Women's Law Center supports this bill as litigants need all pertinent information when pursuing their family cases, usually as self-represented litigants.

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. Maryland Rule 9-205.3 establishes specified requirements for custody evaluators, including those related to education, licensing, and training. In some jurisdictions, custody evaluators are court employees and perform custody evaluations at no cost to the 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.

We are not sure that this is not happening in any jurisdictions, but certainly every litigant should know what expenses to expect in what can be a very expensive proposition. Perhaps it will lead to more settlement of cases prior to expenses being incurred.

Therefore, the Women's Law Center of Maryland, Inc. urges a favorable report on Senate Bill 665.

*The Women's Law Center of Maryland is a private, non-profit, membership organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change. The Women's Law Center operates two hotlines, Protection Order Advocacy and Representation Projects in Baltimore City, Baltimore County and Carroll County and the Multi-Ethnic Domestic Violence Project.*

# **MSBAFamilyLaw\_FAV\_SB665**

Uploaded by: Smith, Michelle

Position: FAV

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**To:** Members of The Senate Judicial Proceedings Committee

**From:** MARYLAND STATE BAR FAMILY AND JUVENILE LAW SECTION COUNCIL – Ilene Glickman, Legislative Committee Chair and Daniel Renart, Legislative Committee Chair

**Date:** February 27, 2020

**Subject:** **Senate Bill 665 – Family Law – Custody Evaluator – Information to Parties**

**Position:** **SUPPORT**

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This testimony is submitted on behalf of the Family and Juvenile Law Section Council (“FJLSC”) of the Maryland State Bar Association (“MSBA”). The FJLSC is the formal representative of the Family and Juvenile Law Section of the MSBA, which promotes the objectives of the MSBA by improving the administration of justice in the field of family and juvenile law and, at the same time, tries to bring together the members of the MSBA who are concerned with family and juvenile laws and in reforms and improvements in such laws through legislation or otherwise. The FJLSC is charged with the general supervision and control of the affairs of the Section and authorized to act for the Section in any way in which the Section itself could act. The Section has over 1,200 attorney members. The Maryland State Bar Association (MSBA) Family and Juvenile Law Section **supports Senate Bill 665 – Family Law – Custody Evaluator – Information to Parties.**

Senate Bill 665 would require courts, in any case that involved child support, custody or visitation, to provide information to the parties regarding the role, availability and costs of a custody evaluator in the jurisdiction where the case is being heard. The MSBA believes that it is always helpful and a best practice to provide parties with up-front information about the custody evaluation process, how an evaluation can be used by the courts, and the costs associated with an evaluation. This information is particularly important to provide to unrepresented litigants, who may have no knowledge of how an evaluation works, its costs, and the possible benefits of having an evaluation completed in their cases.

For the reasons stated above, the MSBA **supports House Bill 665 and urges a favorable committee report.**

Should you have any questions, please contact Daniel Renart by e-mail at [drenart@rghlawyers.com](mailto:drenart@rghlawyers.com) or by telephone at 301-383-1525.



# **MDJudiciary\_UNF\_SB665**

Uploaded by: Jones, Tyler

Position: UNF

**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Mary Ellen Barbera  
Chief Judge

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** Senate Judicial Proceedings Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** Senate Bill 665  
Family Law – Custody Evaluator – Information to Parties  
**DATE:** February 12, 2020  
(2/25)  
**POSITION:** Oppose

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The Maryland Judiciary opposes Senate Bill 665. This bill requires the court to provide to the parties in a certain action certain information regarding a custody evaluator in the jurisdiction.

This bill is unnecessary. Maryland Rule 9-205.3 defines the role of custody evaluators. If one is needed in a case, the parties will be directed to one. It is unclear what the proposed enactment would address, as the courts' Differentiated Case Management plans currently incorporate custody evaluations. Furthermore, it is not evident why the court would need to provide this information to parties in child support actions. In addition, there are jurisdictions that do not currently have custody evaluators who live or work in the jurisdiction so providing this information would be problematic. Finally, it is not appropriate for the court to investigate and provide the cost of a custody evaluator.

cc. Hon. Susan Lee  
Judicial Council  
Legislative Committee  
Kelley O'Connor