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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

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**The Senate Judicial Proceedings Committee**

**SB 355 Family Law – Custody Evaluators – Qualifications and Training**

**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 355, Custody Evaluators – Qualifications and Training, and to respectfully ask for your support for this bill which would help ensure the safety and well-being of children and protective parents involved in State custody proceedings involving child abuse or domestic violence allegations.

Serving on the Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations has been one of the most important public service assignments that I have been a part of, given the magnitude of the trauma that many children and protective parents experience going through court custody proceedings involving child abuse or domestic violence allegations.

Our workgroup made up of experts and advocates with experience with child custody cases involving abuse, adopted over 20 recommendations focused on better protecting children through these custody court proceedings and putting the best interest of the child first in these cases.

We heard from one family law expert with 41 years of experience and involved in thousands of cases in 46 states. He noted the weight to which judges are giving custody evaluations and that while most custody examiners have been involved in dozens of cases, that there is no way of measuring the accuracy and effects of prior recommendations. He also pointed out how problematic it is that a custody evaluator's report can be admitted into evidence without the evaluator's presence and availability for cross-examination.

My bill, co-sponsored by Senator Susan Lee, focuses on the Workgroup's recommendations dealing with custody evaluators. After hearing from parents, advocates, and legal child custody experts over the past couple of years, it became clear that there were not consistent qualifications or training for custody evaluators. This is especially concerning when the courts follow the recommendations in the custody evaluations in over 90 percent of custody cases.

The urgent need to establish clear and consistent qualifications and minimum training requirements to serve as a custody evaluator is underscored by the powerful testimony of a protective parent, Katie Spearman. In preparation for this hearing, Ms. Spearman painfully recounted to me in a zoom call how the custody evaluator assigned to her was a school counselor with no formal training on cases involving sexual abuse. Further, the high costs involved with the custody evaluator and other legal expenses have left Ms. Spearman in a desperate financial situation. She was forced to file Chapter 7 bankruptcy due to extraordinary legal fees, lost her home, and nearly six years later she continues to pay attorney's fees that amount to over \$360,000!

Ms. Spearman is just one example highlighting the need to establish basic qualifications and training for custody evaluators and to require the courts and custody evaluators to provide basic information about custody evaluations. My panel also will include Mr. Paul Griffin who is the lead attorney for Child Justice, a non-profit organization dedicated to protecting our most vulnerable children and Dr. Jennifer Shaw, a founding partner at Gil Institute for Trauma Recovery and Education committed to providing research and trauma-informed assessments and therapy to children who have been neglected or abused, including sexual abuse in early childhood.

Senate Bill 355 establishes that the qualifications of a custody evaluator include having a master's degree in a qualified field and complete at least 60 hours of initial specified training and 10 hours of continuing education and training every 2 years.

In addition, Senate Bill 355 also requires the courts to provide information to the parties involved regarding the role, availability, and cost of the custody evaluator. Further, before the custody evaluation process begins, a custody evaluator must provide, in writing, information regarding the policies, procedures, and fees, and costs for the evaluations.

Senate Bill 355 takes a targeted, commonsense approach to improve the custody evaluation process, resulting in better protection for the safety and well-being of children, many who experience trauma, going through a custody court proceeding involving child abuse or domestic violence.

I urge you, Mr. Chair and members of the Judicial Proceedings Committee, to move favorably on Senate Bill 355. Thank you for your kind consideration.