

MEMORANDUM

To: Members of the Senate Judicial Proceedings Committee

From: Maryland State Bar Association (MSBA)
Shaoli Katana, Esq., Director

Subject: Senate Bill 336 – Family Law – Custody Evaluators - Custody and Training

Date: February 7, 2022

Position: Oppose

The Maryland State Bar Association (MSBA), as well as the Family and Juvenile Law Section Council of the MSBA, respectfully opposes **Senate Bill 336 – Family Law – Custody Evaluators - Qualifications and Training**. Senate Bill 336 requires that an individual meet certain educational and experiential requirements in order to be appointed or approved by a court as a custody evaluator; requires that, beginning October 1, 2023, an individual complete 20 hours of initial training in certain areas in order to be appointed or approved by a court as a custody evaluator; requires that an individual receive 5 hours of ongoing education and training every 2 years in order to continue to be appointed or approved by a court as a custody evaluator; etc.

MSBA represents more attorneys than any other organization across the State in all practice areas. MSBA serves as the voice of Maryland's legal profession. Through its Laws Committee and various practice-specific sections, MSBA monitors and takes positions on legislation of importance to the legal profession.

Proper qualification and training of custody evaluators is critical, as these evaluators conduct evaluations and assessments in cases before the court. However, the training and qualifications of custody evaluators is already covered by Maryland Rule 9-205.3. The process for any amendment to these qualifications or training in the Maryland Rules should follow the appropriate channel through the Rules Committee, not through legislation. SB 336 would infringe on the authority of the Rules Committee.

For the reasons stated above, MSBA opposes SB 336 and respectfully requests an unfavorable report. For additional information, please feel free to contact Shaoli Katana at MSBA at shaoli@msba.org.