
To: Members of the House Judiciary Committee

From: Family & Juvenile Law Section Council (FJLSC)

Date: February 9, 2023

Subject: **House Bill 285:**
Family Law – Custody Evaluators – Qualifications and Training

Position: **OPPOSE/UNFAVORABLE**

The Maryland State Bar Association (MHBA) FJLSC **opposes House Bill 285: Family Law-Custody Evaluators – Qualification and Training.**

This testimony is submitted on behalf of the Family and Juvenile Law Section Council (“FJLSC”) of the Maryland State Bar Association (“MHBA”). The FJLSC is the formal representative of the Family and Juvenile Law Section of the MHBA, which promotes the objectives of the MHBA 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 MHBA 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.

Custody evaluations and other assessments in matters before the court in which custody and/or visitation are at issue are critical and useful tools in ensuring that the outcome of a case is in the best interests of the child(ren) at issue. Of course, it is critical that the custody evaluator have proper qualifications and training, which this bill is designed to address. However, the FJLSC opposes this bill for the following reasons:

1. Currently Maryland Rule 9-205.3 addresses the qualifications and training/experience of custody evaluators.
2. The Section believes that the issue should remain in the Rules Committee.
3. The training and qualification requirements are too specific and onerous. More flexibility is needed and will need to change from time to time as social science changes. This can be accomplished by keeping the issue in Rules Committee.



520 West Fayette St., Baltimore, MD 21201

410-685-7878 | 800-492-1964

fax 410-685-1016 | tdd 410-539-3186

msba.org

4. The Section is concerned that passage of the bill will result in the loss of talented evaluators.
5. The mandated topics are exclusionary and not comprehensive about important, foundational topics that all custody evaluators should know.

For the reason(s) stated above, the MHBA FJLSC opposes **House Bill 285** and **urges an unfavorable committee report.**

Should you have any questions, please contact Lindsay Parvis by telephone at 240-399-7900 or lparvis@jglaw.com or Michelle Smith by telephone at 410-280-1700 or by e-mail at msmith@lawannapolis.com.