



February 13, 2024

The Honorable Luke Clippinger
House Judiciary Committee
House Office Building, Room 101
Annapolis, MD 21401

RE: Oppose – HB 405: Family Law - Custody Evaluators - Qualifications and Training

Dear Chairman Clippinger and Honorable Members of the Committee:

The Maryland Psychiatric Society (MPS) and the Washington Psychiatric Society (WPS) are state medical organizations whose physician members specialize in diagnosing, treating, and preventing mental illnesses, including substance use disorders. Formed more than sixty-five years ago to support the needs of psychiatrists and their patients, both organizations work to ensure available, accessible, and comprehensive quality mental health resources for all Maryland citizens; and strive through public education to dispel the stigma and discrimination of those suffering from a mental illness. As the district branches of the American Psychiatric Association covering the state of Maryland, MPS/WPS represent over 1000 psychiatrists and physicians currently in psychiatric training.

MPS/WPS oppose House Bill 405: Family Law - Custody Evaluators - Qualifications and Training (HB 405) even though most judges and attorneys agree that independent forensic psychiatric evaluations can assist the court in deciding a complicated custody or visitation dispute and what is in the child's best interest.

Maryland Rule 9-205.3(d) establishes the qualifications framework for Maryland custody evaluators. As it relates to physicians, the Rule limits the types of physicians who can participate as custody evaluators to those “who [are] board-certified in psychiatry or ha[ve] completed a psychiatry residency accredited by the Accreditation Council for Graduate Medical Education or a successor to that Council[.]”. The Rule also states that a psychiatrist or psychiatric resident must comply with the continuing education requirements of his/her field.

A psychiatrist’s and psychiatric resident’s medical training, let alone continuing education, is rigorous and time-consuming. Before becoming a licensed psychiatrist, one would need to complete four (4) years of graduate level education, four (4) to six (6) years of residency or fellowship training, and twelve thousand (12,000) to sixteen thousand (16,000) hours of patient care hours. The additional educational mandate proposed under HB 405’s attempt to codify Rule 9-205 is unnecessary as it pertains to psychiatrists and psychiatric residents. An additional twenty (20) hours of continuing education for custody evaluators will do nothing more than dissuade the already limited number of psychiatrists who act as custody evaluators from participating further.



Each year that this bill has been introduced, MPS/WPS has asked for some deferential, professional consideration and to be exempt from the 20-hour continuing education mandate under the bill. Unfortunately, that request is ignored each year, so MPS/WPS has no option other than to oppose the bill.

MPS/WPS, therefore, ask this honorable committee for an unfavorable report on SB 405. If you have any questions regarding this testimony, please feel free to contact Thomas Tompsett Jr. at tommy.tompsett@mdlobbyist.com.

Respectfully submitted,
The Maryland Psychiatric Society and the Washington Psychiatric Society
Legislative Action Committee