

Date: February 13, 2024

To: Chair Clippinger, Vice Chair Bartlett and the Judiciary Committee

Reference: House Bill 405, Family Law-Child Custody Evaluators-Qualifications and Training

Position: FAVORABLE

Dear Chair Clippinger and Committee Members:

On behalf of LifeBridge Health's Center for Hope we thank you for this opportunity to provide information on House Bill 405. Center for Hope provides intervention and prevention for: child abuse, domestic violence, community violence, and elder justice for survivors, caregivers, and communities. At LifeBridge Health, we recognize the devastating impact of violence in our communities, and the growing number of victims of all ages. This is a public health issue and we need to help our communities by partnering with the people in them, to break the cycle of violence. We need to partner alongside community leaders, stand shoulder to shoulder with parents and caregivers, and help provide survivors of violence and crime with support and healing, in order to grow a collective hope for a better city and a better world.

The Center for Hope **strongly supports House Bill 405– Family Law - Child Custody Evaluators – Qualifications and Training**. Key components of the legislation include: (1) Required credentialing of custody evaluators; (2) Required clinical experience for appointment as a custody evaluator (e.g., in family systems, domestic violence, child abuse, child development, childhood trauma, short and long-term impacts of parental separation, and protective factors); (3) Required participation in initial and ongoing training; (4) Required sharing of information by the court to involved parties about the role, availability and cost of custody evaluators; and (5) Required written provision of policies, procedures, fees, and costs by custody evaluators to involved parties prior to engagement.

HB 405 was developed from recommendations of the Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations established by SB567 (2019). The Workgroup consisted of subject-matter experts and advocates with vast experience in child-custody cases, child abuse, adverse childhood experiences (ACEs), and domestic violence. Over the course of 18 months, the Workgroup heard testimony from multiple experts as well as from parents who had gone through these contentious custody cases.

The Workgroup issued its 140-page report¹ in September 2020 adopting over 20 recommendations focused on better protecting children through such court proceedings. Testimony from experts and parents as well research before the Workgroup provided evidence that judges give extraordinary weight to custody evaluators

¹http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnChdAbuseDomViol/FinalReport_Workgroup_to_Study_Child_Custody_Court_Proceedings_Involving_Child_Abuse_or_Domestic_Violence.pdf (hereinafter "Report").

and that custody evaluators, depending upon their training and expertise, may focus on and/or give weight to irrelevant factors.² Additionally, custody evaluators in Maryland are granted quasi-judicial immunity, shielding them from malpractice lawsuits.³ This makes holding evaluators accountable to specific educational, experiential, and training standards even more important.⁴

Ensuring proper qualifications, experience and training of custody evaluators – on childhood development, trauma, various types of child abuse and neglect and investigations, as well as the dynamics of domestic violence – is central to the very standard judges use to decide custody, i.e., “the best interest of the child”. The proposed training includes critical science about early childhood brain development, how traumatic events impacts this development, state-investigatory processes and their limits, interpersonal dynamics that contribute to abusive behavior, the validity of and need for risk assessments, and preventive measures to mitigate abuse. These are the same topics that the Legislature previously mandated that judges receive.

Exposure to adverse childhood experiences such as child abuse and domestic violence increase a child’s risk of long-term physical and mental health problems. These risks can be mitigated by the presence of supportive adults and protection from those that are abusive. Determining what is in the best interest of the child requires deep understanding of family dynamics, child development, adverse and positive childhood experiences, and other issues. Passage of this bill will ensure that children caught in the middle of custody disputes where abuse is alleged have high quality assessments by court evaluators and recommendations that place children in safe, stable and nurturing environments and allow them to flourish.

For all the above stated reasons, we request a favorable report for House Bill 405.

If information only does not request an action on the bill, take statement out above. (Customize based on urgency, position, and action)

For more information, please contact:

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² Report at 35.

³ See *Williams v. Rappeport*, 699 F. Supp. 501, 508 (D. Md. 1988) (“Accordingly, [custody evaluators] Drs. Rappeport and Dvoskin are entitled to the protection of absolute immunity and the grant of summary judgment.”).

⁴ Timothy M. Tippins, *New York Law Journal*, “The Bar Won’t Raise Itself: The Case for Evaluation Standards,” July 8, 2013.