

Maryland General Assembly 2025 Session  
SB25 Family Law – Child Custody Evaluators – Qualifications  
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Position: Favorable with Amendments

I am grateful for Senator Carozza's continued work to support Maryland's families who seek the assistance of Maryland Family Courts.

SB25 is a reintroduction of child custody evaluator minimum standards training, although SB25 has been pared down considerably from 2024's SB365. This is certainly a much-improved bill and one that is not without need. I support SB25 with one amendment: (6)(f)(4)(VII) Parent-Child Contact Problems.

Maryland Child Custody Evaluators already have a list of mandatory qualifications defined in [Maryland Rule 9.205-3](#). Further, Maryland guidelines urge in the document [BIA and Custody Evaluator Training](#)<sup>1</sup> that BIAs seek Custody Evaluators who, "... intend to comply with the American Psychological Association Guidelines for Custody Evaluations<sup>2</sup> or the Association of Family and Conciliation Courts (AFCC) Guidelines,<sup>3</sup>" where AFCC Guidelines specifically state in Section 1.2 evaluators should have education and training, including subsection (9) "parent-child contact problems and resist-refuse dynamics, including possible underlying causes such as parental alienating behaviors, compromised parenting, child maltreatment, and exposure to intimate partner violence, among other causes." Moreover, Maryland's "CUSTODY & VISITATION-RELATED ASSESSMENTS: TRAINING [GUIDELINES](#)"<sup>4</sup> state that, "Individuals who perform custody and visitation-related assessments must complete a training program that conforms with these guidelines. Specifically on Page 2, Special Circumstances, "Parent-Child Contact Failure" is listed. This document can also be found in SB25's Fiscal Analysis and Policy Note.

Of further concern is that just because a professional holds credentialing and licensure by the state, it does not necessarily mean the training they received includes parent-child contact issues. This is a deeply problematic void in many training programs. Often practitioners must take additional training to understand these dynamics. Additional training comes with extra cost and time that many professionals aren't able to afford.

There is no disagreement that professionals involved in family court litigation could benefit from minimum training requirements. Those requirements must include parent-child contact problems.

For these reasons, I support adding Parent-Child Contact Issues to SB25, (6)(f)(4)(VII).

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<sup>1</sup> <https://www.mdcourts.gov/sites/default/files/import/family/pdfs/training/BIAeval1.pdf>

<sup>2</sup> American Psychological Association 2022 Child Custody Guidelines: <https://www.apa.org/about/policy/child-custody-evaluations.pdf>

<sup>3</sup> Association of Family and Conciliation Courts (AFCC) Guidelines: <https://www.afccnet.org/Portals/0/PDF/2022%20Guidelines%20for%20Parenting%20Plan%20Evaluations%20in%20Family%20Law%20Cases1.pdf?ver=FZ1qGMoggC33l2NwCjgBIA%3d%3d>

<sup>4</sup> <https://www.courts.state.md.us/sites/default/files/import/family/pdfs/custodyvisitationtrainingguidelines.pdf>



## CUSTODY & VISITATION-RELATED ASSESSMENTS: TRAINING GUIDELINES

The following training guidelines were established by the Administrative Office of the Courts pursuant to Maryland Rule 9-205.3(d)(2). Individuals who perform custody and visitation-related assessments must complete [a training program](#) that conforms with these guidelines.

### LEGAL FRAMEWORK:

- Legal terms, standards, and concepts related to family law judicial process
- Relevant statutes, case law, and rules, including Rule 9-205.3
- Parenting plans
- Distinctions between clinical and forensic examinations
- Roles and perspectives of judges and attorneys

### CHILD DEVELOPMENT:

- Basics of infant and child development, including critical periods of brain development
- Attachment and how it relates to developmentally appropriate access schedules
- Overview of normal and aberrant mental health functioning
- Impact of high conflict parental behavior on children and family
- Impact of separation and divorce on children

### CUSTODY EVALUATION PROCESS:

- Interviews of children, parents, caregivers, and collaterals
- Parent-child observations
- Areas and modes of data collection
- Required and optional elements of custody evaluations and specific issue evaluations under Rule 9-205.3
- Psychological evaluations
- Cultural and diversity considerations
- Neutrality: Personal attitudes, values, implicit biases, and feelings that may compromise an evaluator's neutrality
- Risks inherent in the role of custody evaluator and how best to manage them

### REPORTING TO COURT AND INVOLVEMENT IN COURT PROCEEDINGS:

- Written report structure and format for custody evaluations and specific issue evaluations
- Oral reporting
- Depositions
- Testimony



# FAMILY FACT SHEET



## **FAMILY VIOLENCE**

- Intimate partner violence: Types (including physical abuse, sexual abuse, coercive control, financial abuse, and stalking/harassment); dynamics and long- and short-term effects on parenting and children; barriers to disclosure; initial screening; assessment protocols; indicators for protective safety recommendations; implications for child access
- Child abuse: Types (including physical, emotional, and sexual abuse); barriers to disclosure; dynamics and effects; implications for child access; nature and role of child protective services investigations; role of child advocacy centers
- Screening for abuse, protective factors, available resources and tools, best practices

## **SPECIAL CIRCUMSTANCES:**

- Parental relocation
- Special needs children
- LGBTQIA+ parents and children
- Mental health conditions, protocols for monitoring and treatment, and implications for child access
- Substance misuse, protocols for monitoring and treatment, and implications for child access
- Parent-child contact failure



# The Role of the Child Custody Evaluator and the Best Interest Attorney

Child custody is one of the most difficult decisions a judge is forced to make. Information provided at a trial, is limited, often skewed and difficult to decipher. In addition Judges often do not hear from the source of all of the issues, the child. It is no longer the default assumption that child custody proceedings will produce the classic paradigm of sole custodian versus visiting parent. Many states recognize some form of “joint” or “shared” custody that affirms the decision-making and caretaking status of more than one adult. The issues presented by the litigants are varied and complex, some coming from traditional family households, but many coming from a variation. This leaves a judge attempting to determine a child’s best interest with limited information. The Courts, recognizing the importance of child development issues, mental health issues, and a child’s psychological needs, have utilized child custody evaluations to aid the court in fleshing out the facts, and in determining these important issues. A child custody evaluation is an objective assessment of the child’s needs and each parent’s ability to meet those needs. The evaluation is conducted by a mental health professional who is trained in this field. In accomplishing this, each parent’s strengths and weaknesses are considered as well as factors that may make effective parenting or co-parenting a challenge.

A comprehensive and informative child custody evaluation will include parent interviews, interviews with the child, observations of parent-child interaction, some psychological testing, and interviews with individuals outside the family that may help provide important information. As the best interest attorney (BIA), your role is to work with the evaluator, often times gathering information such as school records, medical records, and, if privileged is waived, mental health records. Depending on the evaluator, the BIA may go on visits with the evaluator, participate in phone conferences with collateral witnesses, and conduct interviews with collateral witnesses. The goal is to work with the evaluator so that you are familiar with the process, have confidence that all the factors are being investigated and agree with the recommendations.

As the BIA, you may be faced with the decision of whether you want to file a Motion requesting a Child Custody Evaluation for the benefit of your client. Each case must be evaluated on its facts, but issues to consider are:

Are there allegations of physical or mental abuse

If so, are these directed at the child

Are there issues of mental health concerns of the parents

Could these issues affect the care of the child

Does the child have any special needs

How are these needs being addressed in each household

Are there fundamental parenting differences and how are these impacting the child

Has there been a history of ongoing litigation

Do the parties have resources to retain a well-qualified evaluator

It is important to ensure that the evaluator selected is competent in this field. You should request information regarding their education/licensure and their experience. You should investigate their reputation within the mental health community and within the family law bar. You should speak with the evaluator and make sure that they intend to comply with the American Psychological Association Guidelines for Custody Evaluations or the Association of Family and Conciliation Courts (AFCC) Guidelines.

The next determination that you need to make as the BIA is whether to waive the privilege of confidential communications between your client and his/her therapist, school guidance counselor, or other mental health professional. Remember, you CANNOT waive the privilege only for the evaluator. If the privilege is waived, all parties then have access to the provider.

If you have a difference of opinion with the evaluator as to the relative fitness of the parents, or the schedule for parenting, you and the evaluator must address these issues to determine if additional investigation is necessary, or if there is a flaw in the methodology of either. You should strive to understand the basis for the evaluator's recommendations and why there is a difference. If consensus cannot be obtained, then, as the BIA, you must advocate for what you believe is in the child's best interest.

The BIA also must address the question on "what to tell the children" about the process. Generally it is good to tell the children very little about what to say--urge them to be open and honest. Do not promise them that their talk with the evaluator will be kept confidential, as it likely will not. The evaluator may talk with you about the interviews before they occur, and give you direction about how to prepare the child. Most evaluators make a great effort not to distress the child and not to place the child in the position of having to state a preference or tell anything about either parent which might be negative. Rather, the child will be interviewed about general issues such as school, friends, activities and interests, and about family constellation. Do not indicate that the evaluator is the child's friend, or that the evaluator might take the child away from either parent. Remain matter-of-fact, neutral, and brief in what you do say. Something like, "This woman/man is going to help us make the best arrangement for how you will spend time with both of your parents."

In conclusion, the BIA should remain involved in the evaluation process by working with the evaluator by providing information, participating as much as possible and reassuring your client. In this manner, the BIA can feel confident that their client's best interest will be promoted.



# **Association of Family and Conciliation Courts**

## **Guidelines for Parenting Plan Evaluations in Family Law Cases**

## **C. Just and Equitable Processes**

Evaluation methods are sensitive to and avoid worsening societal inequities, including, but not limited to, those related to social status, ethnicity, religion, race, language, gender, gender identity, sexual orientation, ability status, age, education, and wealth disparities.

## **D. Transparency and Accountability**

Evaluations are conducted using transparent procedures, contain sufficiently relevant case information, and clearly articulate the reasoning for how conclusions and opinions were reached to allow full review by courts, attorneys, other professionals, and parties.

## **E. Respect for Scope and Boundaries**

Evaluations are conducted within the confines of the appointment. The evaluator, as an extension of the court, respects the rights and interests of the family members, and avoids unnecessary intrusion into family life.

## **F. Balancing Thoroughness with Avoidance of Unintended Harm**

Evaluations are conducted, written, and used in a manner that balances the amount of information gathered, and duration of the process, with unintended stressors on the family, including prolonged conflict, scrutiny, uncertainty of outcome, and demands on economic resources of the family and legal system.

# **Section 1: Education, Training, and Competence**

## **1.1 Evaluation as a Specialization**

- (a) Evaluators should have both broad education and training as well as specialized knowledge and training in a wide range of topics related to child development, family systems, parenting, parent-child relationships, and family law.
- (b) Evaluators should engage in regular ongoing education, training, and self-study to stay abreast of ever-evolving research in the field and to maintain competence.

## **1.2 Education and Training**

- (a) Evaluators should have a minimum of a master's degree, or a regionally recognized equivalent, in a mental health field.
- (b) Because of the many complex issues that arise in family law cases, evaluators should have education and training in the following foundational areas:

- (1) child development, including physical, cognitive, emotional, language, and social development, gender identity, sexual orientation, and the impact of parenting practices and other influences on children's development;
  - (2) family systems, including parent-child relationships, sibling relationships, extended family relationships, stepfamilies, and diverse family structures;
  - (3) culture and diversity and their significance in the lives of adults, children, and families;
  - (4) effects of racism, sexism, poverty, and other socio-cultural issues in the lives of adults, children, and families;
  - (5) impact of parental separation, divorce, family restructuring, and interparent conflict on children, adults, and families;
  - (6) impact of relocation on children, adults, and families;
  - (7) family violence patterns and coercive controlling behaviors, the connection between intimate partner violence and child maltreatment, and the effects of exposure to family violence and coercively controlling behaviors on children;
  - (8) child maltreatment, including child neglect and physical, psychological, and sexual child abuse; the connection between child maltreatment and other adverse childhood experiences, and factors associated with resiliency from trauma and adversity;
  - (9) parent-child contact problems and resist-refuse dynamics, including possible underlying causes such as parental alienating behaviors, compromised parenting, child maltreatment, and exposure to intimate partner violence, among other causes;
  - (10) child and adult psychopathology, including mental health disorders, learning disorders, and developmental disorders;
  - (11) developmentally appropriate and empirically informed parenting plans, long distance parenting plans, methods of facilitating transitions between homes, and communication and information exchange;
  - (12) evaluation of the effectiveness and appropriateness of interventions to address parenting, coparenting, children's adjustment, strained parent-child relationships, and parent-child contact problems;
  - (13) evaluation of risk and protective factors for children with moderate to severe special needs conditions; and
  - (14) applicable legal and ethical requirements of evaluators.
- (c) In addition to the foundational areas of training, evaluators should gain additional training in the following areas:
- (1) investigation of allegations of child abuse and intimate partner violence;
  - (2) evaluation and treatment of problems in parent-child relationships;