

**Testimony
of
Kathryn Spearman
In support of Maryland HB 152/SB 25**

To the members of the House Judiciary and Senate Judicial Proceedings Committees:

I strongly support HB 152/SB 25 – Family Law – Child Custody Evaluators – Qualifications and ask for a swift and favorable report on this important child protection legislation.

HB 152/SB 25 would help ensure the safety and well-being of children involved in child custody court proceedings involving child abuse or domestic violence. This priority child safety legislation would require that child custody evaluators have basic qualifications and receive basic training before being appointed or approved by a court to perform a custody evaluation in those child custody cases involving domestic violence or child abuse.

When the custody evaluator (CE) in my own case was asked under oath about her qualifications:

Q. Did you take any course only focused on any type of sexual or domestic violence?

CE: No.

Q. Did you ever evaluate a child to see if he or she was a victim of any type of abuse?

CE: No.

Q. ... Have you ever been qualified as an expert in any type of child abuse?

CE: No.

Q. Have you ever been qualified as an expert in domestic violence or intimate partner violence?

CE: No.

Despite this, the judge ruled: *“I know that there was testimony suggesting that [the custody evaluator] did not have the requisite knowledge, training and skills to perform this evaluation. I disagree... I do find the testimony credible and afford it great weight.”*

This custody evaluator’s fee was \$25,000. With court time and depositions costing thousands of dollars more. The children’s best interest attorney charged over \$360,000.

On the recommendation of the custody evaluator, the judge took away legal custody of my children from me. The judge ordered my children couldn’t see anyone on their maternal side of the family for months. The psychological trauma from the judge’s ruling was so severe that I lost consciousness and 911 had to be called. I had to file bankruptcy because of legal fees. The children’s best interest attorney put a lien on our house, and my children and I lost our home.

And these are just a few of many harms.

This training must be in statute. Rule 9-205.3 is not sufficient because the court can waive the training requirement. An individual judge – like the one in my case - can simply disagree.

There must be accountability. Training is a simple ask. I urge you to please pass this bill.

This legislation is all about putting the child first, and passage of SB 25 and HB 152 is long overdue. For the past five years, legislation has been introduced to require qualified and trained child custody evaluators be appointed in these most sensitive child custody cases involving domestic violence and child abuse. This legislation mirrors the Judiciary's updated Rule 9-205.3, and it is imperative that these vital child protections are passed into law without further delay.

Putting in statute that Maryland's child custody evaluators will be qualified and trained will help protect children in these most sensitive and potentially dangerous child custody cases involving allegations of child abuse and domestic violence.

I urge you to support HB 152/SB 25. Thank you for your kind attention and consideration.

Sincerely,

Kathryn Spearman