



SB 25: Family Law – Child Custody Evaluators – Qualifications

Testimony of the Maryland Independent Living Network

SUPPORT with AMENDMENTS

Senate Judicial Proceedings Committee, January 28, 2025

The Maryland Independent Living Network is a coalition of the Maryland Statewide Independent Living Council and the seven Maryland-based Centers for Independent Living (CIL). CILs are created by federal law. CILs work to enhance the civil rights and quality of services for people with disabilities. There are seven CILs located throughout Maryland, operated by and for people with disabilities. CILs provide Information and Referral, Advocacy, Peer Support, Independent Living Skills training, and Transition Services to individuals with disabilities in their communities.

The Independent Living Network submits this written testimony in support of SB 25 with amendments so that parents and children with disabilities receive equitable treatment in custody determinations. By providing training specified in the proposed amendments, SB 25 will remove barriers that people with diverse disabilities experience when exercising their fundamental right to create and maintain families and reverse the documented history of removing children from parents based on disability discrimination. The amendments protect children, who are at the center of all custody and visitation disputes, from unnecessary trauma and loss of a parent.

The proposed amendments conform to the recommendations of the National Council of Disabilities (NCD), which has studied the discriminatory impact of child custody proceedings. NCD recommends that state legislatures mandate training for custody evaluators to teach them the skills necessary to conduct competent disability-related custody evaluations and the role of adaptations or environmental factors that can support positive outcomes for parents with disabilities.¹ Adapted technology offers ever changing accommodations that enable increased functioning by parents with varied disabilities. The proposed amendments also support the recommendations of the Maryland Commission on Child Custody Decision-Making, established by the General Assembly.²

¹ Rocking the Cradle: Ensuring the Rights of Parents with Disabilities and Their Children National Council on Disability September 27, 2012 at 20-21; 127-136.

² HB 687/CH 633, 2013 (MSAR #9554) FINAL REPORT DECEMBER 1, 2014 HONORABLE CYNTHIA CALLAHAN, CHAIR MARYLAND GENERAL ASSEMBLY, COMMISSION ON CHILD CUSTODY DECISION-MAKING.

The Maryland Independent Living Network supports the following Amendments:

(G) ALL CHILD CUSTODY EVALUATORS SHALL RECEIVE TRAINING IN:

(1) MAINTAINING NEUTRALITY BY RECOGNIZING AND ADDRESSING PERSONAL ATTITUDES, VALUES, IMPLICIT BIAS, AND ASSUMPTIONS THAT MAY COMPROMISE NEUTRALITY AND IMPACT THE EVALUATOR'S DETERMINATION;

(2) SUPPORTS AND SERVICES AVAILABLE TO CHILDREN AND ADULTS WITH DISABILITIES, INCLUDING ACCOMMODATIONS FOR PARENTING;

(3) THE USE OF OBJECTIVE CRITERIA WHEN MAKING A CUSTODY DETERMINATION INVOLVING A PARENT WITH A DISABILITY.

Respectfully submitted:

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