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**THE SENATE OF MARYLAND**  
**ANNAPOLIS, MARYLAND 21401**

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**The Senate Judicial Proceedings Committee**

**SB 25 Family Law – Child Custody Evaluators – Qualifications and Training**

**Statement of Support by Bill Sponsor Senator Mary Beth Carozza**

Thank you Chair Smith, Vice Chair Waldstreicher, and members of the distinguished Senate Judicial Proceedings Committee for this opportunity to present Senate Bill 25, Child Custody Evaluators – Qualifications, and to respectfully ask for your support for this bill which would help ensure the safety and well-being of children involved in child custody court proceedings involving child abuse or domestic violence allegations.

I want to start by informing you of an appalling statistic provided by the Center for Judicial Excellence. Between 2008 and 2023, 21 Maryland children have been killed when divorce, separation, custody visitation, child support or court-involvement is a factor, including five of those children involved in a family court-related proceeding. Each year 58,000 children nationwide are estimated to be court-ordered into visitation or custody with a dangerous parent. Make no mistake - Senate Bill 25 is a child protection bill.

Serving on the Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations has been one of my most important public service assignments, given the magnitude of the trauma that many children and their protective parents experience when child abuse or domestic violence is alleged during court custody proceedings.

This legislative priority recommendation to require qualifications and training for child custody evaluators in cases of allegations of child abuse and domestic violence comes from the Workgroup's final report published September of 2020 and led to the first introduction of the child custody evaluators' qualifications and training bill in 2021.

That's right. This is the fifth session that the child custody evaluators bill has been considered in the Maryland General Assembly, and that's time forever lost by not having these child protections in place.

This priority legislation, co-sponsored by Vice-Chair Jeff Waldstreicher and Senator Chris West, 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. Courts follow the recommendations of the custody evaluator in over 90 percent of custody cases. After hearing from parents, advocates, and legal child custody experts over the past five years, it has become clear that there is a distinct need for custody evaluators to have consistent qualifications and

training before being appointed or approved to one of these most sensitive court cases. This bill is all about putting the child first.

Three years ago, this Committee and the Maryland General Assembly approved Senate Bill 17 sponsored by Senator Chris West requiring training for judges and magistrates presiding over child custody cases involving child abuse or domestic violence. It only makes sense that child custody evaluators be trained along the same lines as the judges, especially given the heavy reliance of judges on the recommendations of child custody evaluators.

During the Interim, a bipartisan workgroup made up of Delegate Crutchfield, Delegate Kaufman, Senator West and myself met with Judge Dumais representing the Maryland Judiciary to work together on updating and strengthening Rule 9-205.3, which are the regulations the Maryland Judiciary follows regarding the appointment or approval by a court of a person to perform a child custody evaluation.

We are grateful for Judge Dumais' leadership and her work to update Rule 9-205.3, and Senate Bill 25 before you today reflects the updated Judiciary Rule, including accepting the Judiciary's amendment impacting two court custody evaluators. We also are working with the Judiciary to include sexual abuse in the list of current knowledge and experience in dealing with allegations as this was an oversight in not including it in the drafting of SB 25, and amendments offered by advocates for individuals with disabilities. The Maryland Judiciary updated Rule 9-205.3 on January 10<sup>th</sup> and this updated Rule currently is going through the Judiciary's approval process and has yet to be implemented.

A question has been raised in the past on whether the child custody evaluators qualifications and training requirements should be in a Rule or in a Statute. The logical response is it can be and should be in both. Child protection advocates have been demanding that these qualifications and training requirements for child custody evaluators be put into law just as the judges' training bill was put into law in 2022.

Additionally, while Maryland recognizes that a Rule "shall have the force of law" without actually being law, it is unclear whether the federal government would share that recognition, and therefore, any federal funding through Kayden's Law or other federal statutes could be in jeopardy and not available to the State of Maryland without passage of Senate Bill 25.

Senate Bill 25 is a child protection bill especially when you think about those 21 Maryland children who have been killed since 2008 and the thousands of other children that have been traumatized by a parent when divorce, separation, custody visitation, child support or court-involvement is a factor.

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

When we think about the many qualifications and training bills that the Maryland General Assembly has passed into law over the years that impact positions NOT dealing with our most

precious responsibility, our children, I believe we as legislators have a moral obligation to pass the child custody evaluators qualifications and training bill this session and ensure that it becomes law this year. It simply is long overdue.

Over the course of being the lead author in sponsoring the child custody evaluators qualifications and training bill for the past four sessions, I, along with the increasing number of proponents for this legislation, have worked hard to advance this child protection bill.

I know this Committee recognizes that child custody evaluators have an important role in assisting family law courts in determining custody outcomes, especially in the most sensitive and difficult cases involving allegations of domestic violence and child abuse. I have heard testimonials from several protective parents and children who were put in danger due to an untrained, unqualified custody evaluator, some of which are included in your bill file.

Here is just one case that ended with a child being murdered.

- Hera McLeod's story firmly shows why consistent qualifications and training for child custody evaluators are desperately needed. Hera McLeod is a protective parent from Montgomery County who separated from her child's father on July 17, 2011 (Case Number: Family Law 96093). The child custody evaluator assigned to her case understood that the father, Joaquin Rams, was dangerous to Hera and her son Prince, based on evidence presented by several witnesses in Rams' life who believed he routinely abused his older son and that he had already killed two people. Unfortunately, Rams' attorney was able to have the child custody evaluator's testimony disregarded due to the lack of training and credentials of the child custody evaluator. In October of 2012, Prince was murdered by his father when he was 15 months old. In the opinion of Paul Griffin, Child Justice, Inc. Legal Director, if child custody evaluators were required to have qualifications and training, Hera's case most likely would have had a different outcome and Prince would be alive today. I agree.

The purpose and essence of this bill is to protect children in vulnerable circumstances from further harm. I have heard too many stories like these where children were put in danger again and again because the court has ordered the child be in the presence of their abuser, and a majority of those decisions were based on the conclusions of an unqualified and untrained custody evaluator.

The time is now to pass SB 25, to put it into law, to ensure that child custody evaluators meet certain qualifications and training requirements to better protect our children, many of whom are experiencing trauma, as they go through a custody court proceeding involving child abuse or domestic violence allegations.

Mr. Chair and Vice Chair, I respectfully urge the Senate Judicial Proceedings Committee Members for a swift and favorable report on Senate Bill 25. Thank you for your kind attention and consideration.