

CFH SB25 testimony 2025 Family Law – Child Custody

Uploaded by: Adam Rosenberg

Position: FAV

Date: January 28, 2025

To: Chair Smith, Vice Chair Waldstreicher and the Judicial Proceedings Committee

Reference: Senate Bill 25, Family Law-Child Custody Evaluators-Qualifications

Position: FAVORABLE

Dear Chair Smith and Committee Members:

On behalf of LifeBridge Health's Center for Hope we thank you for this opportunity to provide information on Senate Bill 25. 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 Senate Bill 25– Family Law - Child Custody Evaluators – Qualifications**. 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.

SB 25 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 Senate Bill 25.

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:

Adam Rosenberg, Esq.

Executive Director, Center for Hope

Vice President, Violence Intervention & Prevention, LifeBridge Health

arosenberg@lifebridgedhealth.org

Phone: 410-469-4654

Jennifer Witten, M.B.A.

Vice President of Government Relations & Community Development, LifeBridge Health

Jwitten2@lifebridgehealth.org

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.

LCPCM-SB 25 - Family Law - Child Custoday Evaluato

Uploaded by: Andrea Mansfield

Position: FAV



Committee: Senate Judicial Proceedings Committee
Bill: SB 25 - Family Law - Child Custody Evaluators - Qualifications
Hearing Date: January 28, 2025
Position: Support

The Licensed Clinical Professional Counselors of Maryland (LCPCM) supports Senate Bill 25 - Family Law - Child Custody Evaluators - Qualifications. This bill establishes parameters for who is qualified to evaluate children to advise the court in custody determinations. The bill stems from the recommendations of the Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations, which was established by SB 567 in the 2019 session.

We strongly support this bill because custody evaluators need to be qualified and have specific training in the subject matter. Maryland's children deserve and need competent professionals to help guide the courts.

LCPCM urges the Committee to give SB 25 a FAVORABLE Report.

Please contact Andrea Mansfield at amansfield@maniscanning.com or (410) 562-1617 if we can provide additional information.

SB25 Custody Evaluators Qualifications & Training

Uploaded by: Annie Kenny

Position: FAV

Senator William C. Smith, Jr.
Senate Judicial Proceedings Committee
2 East
Miller Senate Office Building
Annapolis, MD 21401

RE: SB25 – Family Law – Custody Evaluators – Qualifications & Training

Chairman Smith,

My name is Annie Kenny, and I am a protective parent of three daughters from St. Mary's County. Several years ago, I discovered that my now ex-husband was abusing our oldest daughter. He was indicted on felony child sex abuse charges and is now a Tier III Registered Sex Offender for life. It took seven months in criminal court for my children's father to be convicted. It took four years in family court for me to get a no-contact order in place, protecting my children from him.

It's important to understand that the father of my children was already convicted and a registered sex offender BEFORE I ever stepped foot in family court. Our case involved complex issues of child sexual abuse, grooming, signs of childhood trauma, and the long-term effects of trauma on children, just to name a few, but not a single individual in the courtroom during our numerous hearings was trained on any of these topics. It wasn't until our fourth court appearance that the term "abuse" was even used, and to this day, the term "sexual abuse" has never been spoken in the courtroom.

Supervised visitation was granted for my ex-husband, to be conducted on weekends at his mother's house, supervised by her. A year into the visitation, after months of behavioral concerns with one of my daughters, she made disclosures to several members of her mental health team, all of which immediately filed a report with Child Protective Services. Child Protective Services and the police questioned my children, and ultimately came to the conclusion that it was completely a civil issue, as no laws had been broken, and my girls were not disclosing any sexual abuse at the time.

I chose to stop sending my children for their "supervised" visitation, and braced myself against numerous contempt charges and hearings. In my first contempt hearing, the magistrate refused to even discuss my ex's conviction, or his sexual abuse of my oldest daughter. He instead directed me to continue sending my children for their weekend visits at Grandma's house, with a stipulation that their father be told to leave the property at night and he not be allowed to sleep there while the children were present. Again, I couldn't bring myself to send my daughters. My non-compliance escalated my ex-husband's anger. I spent months required to be in daily contact with him, discussing all aspects of our children with him. He followed us, stalked our home, bought electronic devices for my children and harassed them constantly through them. The magistrate at one point even directed me to include my ex-husband in my daughter's mental health therapy. I was granted an unrestricted conceal carry gun permit by the Maryland State Police at the same time that I was meeting my ex-husband for supervised dinners weekly, and celebrating birthdays together at Chuck E Cheese.

Once I determined that the supervised visitation under his mother's watch was not actually supervised, and therefore unsafe, I tried numerous other routes in order to appease the court system. I tried in-house supervised visitation through Center for Children, but they stopped having a supervisor on staff. I supervised multiple visits MYSELF. He eventually hired an organization called Promise Resource Center that allowed for supervised visitations out in the community. We would meet at Burger King every

Friday after work. He violated his contract with Promise Resource Center numerous times, following me to my car after visits, attempting to get the children to walk to his car with him, encouraging one of them to find him on social media and change her device password, using the information he gained at the visits to follow us, and ultimately even touching my children in ways not prohibited by his contract. Promise Resource was under zero obligation to contact CPS, because his behavior didn't qualify as criminal. They were under zero obligation to give me details, because I was not their client, my ex-husband was. And they were under zero obligation to report to the courts, because we did not have a court order specifying this type of supervised visitation. Trying to maintain a relationship between my children and their father at any cost, exposed them to years of additional trauma. Not being within my own legal right to decide to STOP the relative supervised visitation when I discovered my daughters were not being protected cost me six months of court battles and over \$15,000.

I stopped having to communicate with and expose my children to my ex-husband in the spring of 2021, but not because a team of properly trained professionals recognized the trauma my children were being exposed to and opted to protect them. Our freedom came at the cost of other children, as my ex-husband has now been convicted of sexually abusing other, non-familial, children, and is currently serving his prison sentence. I am terrified of what will happen when he is released and starts his mission of accessing my daughters again. And I am angered by the prolonged suffering experienced by my daughters. My middle daughter, Nora, has been subjected to numerous psychiatric hospital stays, a suicide attempt, and even a long-term residential facility stay. Instead of starting her freshman year of high school like her peers, she was spending 2 ½ months facing her trauma and working on coping skills. Having family court professionals who are properly trained on the significant topics related to child trauma would greatly reduce the ongoing trauma that many families are subjected to as they spend years stuck in family court, forced into unsafe relationships and contact with an abuser.

Resistance to properly trained family court professionals is concerning, and certainly not aligned with the best interest of children. Please prioritize child safety at all costs. My daughter, Nora, is also submitting testimony this year. We both appreciate your consideration.

Sincerely,

Annie Kenny

Protective Parent & Certified Victim/Child Safety Advocate

SB-0025 Falmily Law- Child Custody Evaluators-Qual

Uploaded by: arthur flax

Position: FAV

January 24, 2025

Senator William C. Smith, Jr. Chair, Sponsors, and Members of the Committee
Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, Maryland 21401

RE: Senate Bill-0025 Family Law – Child Custody Evaluators – Qualifications
Position: Favorable

Dear Senator Smith, (Chair), Member of the Committee, and Sponsors Senators Carozza, Waldstreicher,
and West:

I write in support of this important legislation to insure quality and objective evaluations based upon recognized standards of care, as opposed to subjective decisions. This legislation, will ensure competency in the evaluative process, facilitate legal proceedings, assist families, and protect the public.

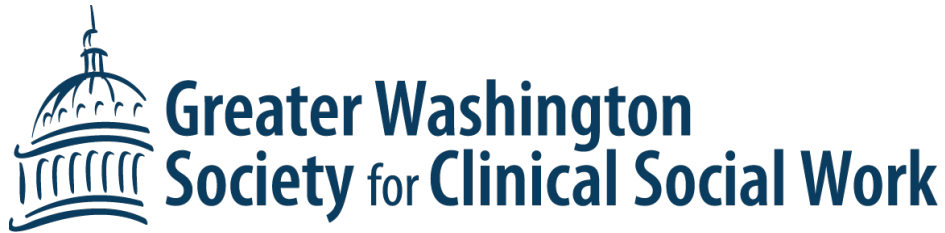
Sincerely,

Arthur Flax, LCSW-C, DCSW
410-653-6300
flaxcps@gmail.com

SB0025_FAV_GWSCSW_Fam. Law - Child Custody Evaluat

Uploaded by: Christine Krone

Position: FAV



Senate Judicial Proceedings Committee
January 28, 2025
Senate Bill 25 – *Family Law – Child Custody Evaluators – Qualifications*
POSITION: SUPPORT

The Greater Washington Society for Clinical Social Work (GWSCSW) was established in 1975 to promote and advance the specialization of clinical practice within the social work profession. Through our lobbying, education, community building, and social justice activities, we affirm our commitment to the needs of those in our profession, their clients, and the community at large. On behalf of GWSCSW, we support Senate Bill 25.

This legislation will ensure specified health care providers, who are authorized in statute(s) to independently evaluate, render a formal diagnosis, and treat mental and emotional disorders, conditions, and impairments, have specialized education, trainings, and experience, in order to engage in providing custody evaluations used in legal proceedings.

These requirements will ensure quality and objective evaluations based upon recognized standards of care, as opposed to subjective decisions. This legislation will ensure competency in the evaluative process, facilitate legal proceedings, assist families, and protect the public. For these reasons we urge a favorable report.

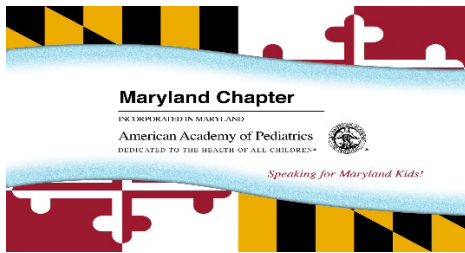
For more information call:

Christine K. Krone
Danna L. Kauffman
410-244-7000

SB0025_FAV_MDAAP_Fam. Law - Child Custody Evaluato

Uploaded by: Christine Krone

Position: FAV



Senate Judicial Proceedings Committee
January 28, 2025
Senate Bill 25 – *Family Law – Child Custody Evaluators – Qualifications*
POSTION: SUPPORT

The Maryland Chapter of the American Academy of Pediatrics (MDAAP) is a statewide association representing more than 1,100 pediatricians and allied pediatric and adolescent healthcare practitioners in the State and is a strong and established advocate promoting the health and safety of all the children we serve. On behalf of MDAAP, we submit this letter of support for Senate Bill 25.

MDAAP strongly ***supports*** *Senate Bill 25: Family Law – Child Custody Evaluators – Qualifications*. Key components of the legislation include: (1) Required professional training/licensure; (2) Completion of training that meets the guidelines of the Administrative Office of the Court; (3) Completion of any required continuing education requirements for their professional field; (4) Clinical experience in observing or performing custody evaluations; (5) Current knowledge and experience in dealing with domestic violence, child abuse and neglect, trauma and its impact on children and adults, family conflict and dynamics, child and adult development, and the impact of divorce and separation on children and adults.

Senate Bill 25 was developed from recommendations of the *Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations* established by Senate Bill 567 (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 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

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”).

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.”).

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”. Knowledge of 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 are all topics that are vital to the role of custody evaluator and they 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 these reasons a favorable report is requested.

For more information call:

Wendy Lane, MD, MPH

Co-Chair, MDAAP Maltreatment and Foster Care Committee

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

SB 25 (HB 125) MCSO Correspondence (FINAL).pdf

Uploaded by: Christopher Feldenzer

Position: FAV



Maryland's First
Nationally Accredited
Sheriff's Office



50 Maryland Avenue
Rockville, Md. 20850
240-777-7000
240-777-7148 Fax

SHERIFF MAXWELL C. UY

January 24, 2025

VIA E-MAIL: jeff.waldstreicher@senate.state.md.us

Honorable Jeffrey D. Waldstreicher
Vice-Chair, Judicial Proceedings Committee
Miller Senate Office Building, 2 East Wing
11 Bladen Street
Annapolis, Maryland 21401

Re: **Senate Bill 25 – Family Law – Child Custody Evaluators –
Qualifications**

Dear Vice-Chair Waldstreicher:

The Montgomery County Sheriff's Office, which oversees the Montgomery County Family Justice Center (MCFJC), a co-location of services to support victims of domestic violence, strongly supports SB 25 – Family Law – Child Custody Evaluators – Qualifications. SB 25 would help advance the safety and well-being of children involved in child custody court proceedings involving child abuse or domestic violence by requiring that child custody evaluators have met certain licensing and educational qualifications before appointment as well as completed training approved by the Administrative Office of Courts to perform a custody evaluation in those child custody cases involving domestic violence or child abuse.

The MCFJC works with clients on a daily basis who desire a life free from fear, violence and uncertainty. Many of those clients have children who have witnessed such abuse or have been abused themselves. Unfortunately, perpetrators will oftentimes use custody as an opportunity to control and overpower the victim. Given these stakes, custody evaluators must have the critical educational backgrounds, skills and training to understand the dynamics of domestic violence and child abuse and must be able to make informed decisions to keep children safe from harm – both mentally and physically.

This legislation is all about putting the child first, and passage of SB 25 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. Codifying the qualification and training requirements for Maryland's child custody evaluators 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 SB 25. Thank you for your kind attention and consideration.

Sincerely,

Sheriff Maxwell C. Uy

cc: Senator Mary Beth Carozza
Smita Varia, Acting Director, Montgomery County Family Justice Center

SB0025 CPMC FAV.pdf

Uploaded by: Diana Philip

Position: FAV

THE COALITION TO PROTECT MARYLAND'S CHILDREN

Our Mission: To combine and amplify the power of organizations and citizens working together to keep children safe from abuse and neglect.

We strive to secure budgetary and public policy resources to make meaningful and measurable improvements in safety, permanence, and wellbeing.



**SB0025 - Family Law – Child Custody Evaluators –
Qualifications
Judicial Proceedings Committee
January 28, 2025 at 1:00p.m.**

Position: SUPPORT

The Coalition to Protect Maryland's Children is a consortium of organizations and individuals formed in 1996 who are concerned about the care of Maryland's most vulnerable children and work together to promote meaningful child welfare reform. CPMC urges a favorable report on SB0025 - Family Law – Child Custody Evaluators – Qualifications.¹

SB0025 seeks to establish qualifications and trainings for professionals appointed or approved as child custody evaluators by the court as well as eligibility to provide expert evidence in custody or visitation proceedings that include allegations of child maltreatment. Judges often rely on the assessments made by child custody evaluators in court proceedings. 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.

The bill stems from the recommendations of the Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations, which was established by SB 567 in the 2019 session. The Workgroup issued its 140-page report in September 2020 adopting over 20 recommendations.²

CPMC supports measures designed to improve the legal system's ability to appropriately and effectively intervene and prevent child abuse and neglect. It is for this reason that the Coalition to Protect Maryland's Children **urges a favorable report** on SB0025 - Family Law – Child Custody Evaluators – Qualifications.

¹ Members of CPMC represented by this written testimony include Center for Hope, Child Justice, Court Appointed Special Advocates (MD CASA), Court Appointed Special Advocates (Baltimore County), The Family Tree, MD Chapter - American Academy of Pediatrics, Maryland Association of Resources for Families and Youth (MARFY), National Association of Social Workers - MD, and State Council on Child Abuse and Neglect.

²https://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnChdAbuseDomViol/FinalReport_Workgroup_to_Study_Child_Custody_Court_Proceedings_Involving_Child_Abuse_or_Domestic_Violence.pdf

SB25 Testimony McLeod.pdf

Uploaded by: Hera McLeod

Position: FAV

My name is Hera McLeod and I'm writing in support of SB25, "Family Law – Child Custody Evaluators – Qualifications and Trainings".

I'm an author, civil rights advocate, and leader in the technical industry. Years ago, I testified before the "Maryland Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations" and am encouraged that my home state continues its dedication and commitment to reforms that work to protect children.

In October of 2012, my son Prince was murdered by his father. His murder came on the heels of a year in family court where my attorneys presented terrifying evidence pointing to the dangerousness of Prince's father Joaquin Rams. Our custody evaluator heard testimony from several witnesses from Rams' life to include a Virginia police officer, the grandmother of his older son, and one of his ex-girlfriends – who all believed he routinely abused his older son and that he'd killed two people prior, in hopes of profiting from life insurance death benefits.

Our custody evaluator understood that Joaquin was dangerous, and believed he was suffering from psychological issues that would pose a danger to Prince; however, when she got on the stand, Rams' attorney tore apart her testimony. The attorney pointed out that the evaluator didn't have the appropriate training or credentials that would qualify her to assess his psychological functioning or to evaluate his dangerousness.

Our courts often rely on custody evaluators to assess the dangerousness of a parent - yet don't give them the tools to stand behind their assessments. Having evaluators gives the court a false sense that someone has investigated claims and evaluated evidence. Without giving these hard-working professionals the tools that they need to authentically carry out what they are charged to do, we're rendering them useless and a waste of taxpayer dollars. Because all it takes is one attorney to question their qualifications before the court realizes they need to outsource and add someone with the proper training and qualifications to evaluate.

Imagine how it must've felt for that evaluator in my son's case when she learned he'd been murdered. She, along with many others in the Montgomery County, MD court must live with wondering whether there was something they could have done to save Prince's life. And in her case, I sincerely hope that she knows how much I appreciate that she tried. My heart goes out to her in the knowledge that when her credibility was challenged, she'd been unable to point to job training she'd received that would've allowed her to stand behind her findings.

Thank you for your thoughtful consideration. Please understand that for many children, family court is their last chance for safety and protection. I encourage you to vote in favor of SB25 because I truly believe it will add an essential layer of protection for Maryland's children – and it could be just the thing that saves the life of the next child.

Sincerely,
Hera McLeod

Book: "Defying Silence: A Memoir of a Mother's Loss and Courage in the Face of Injustice"
Website: www.heramcleod.com

SB25- MSAA - FCSAO Letter of Support.pdf

Uploaded by: Joyce King

Position: FAV



J. CHARLES SMITH, III
STATE'S ATTORNEY

KIRSTEN N. BROWN
DEPUTY STATE'S ATTORNEY

STATE'S ATTORNEY'S OFFICE

County Courthouse
100 West Patrick Street
Frederick, Maryland 21701

www.statesattorney.us

CIRCUIT COURT DIVISION
301-600-1523

DISTRICT COURT DIVISION
301-600-2573

CHILD SUPPORT DIVISION
301-600-1538

JUVENILE DIVISION
301-600-2980

January 21, 2025

Dear Chairperson Smith and Judicial Proceedings Committee,

The Frederick County State's Attorney's Office and the Maryland State's Attorney's Association support in **Support of SB25 – Family Law: Child Custody Evaluators – Qualifications**. The MSAA supports this bill which seeks to establish necessary qualifications for child custody evaluators appointed by the courts in Maryland. Our offices often see cases that intersect with custody proceedings. We need evaluators have training or experience in observing or performing custody evaluations and possess knowledge of critical issues such as domestic violence, child neglect and abuse, trauma and its impact on children and adults.

We ask for a favorable report of SB 25.

Sincerely,

Joyce King
Chief Counsel
Co-Chair MSAA Special Victims Committee

Support Letter for Child Protection-Child Custody

Uploaded by: Kathryn Spearman

Position: FAV

**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

SB25 HB 152 Janaury 2025 Kelly Kennan DDS .pdf

Uploaded by: Kelly Kennan

Position: FAV

SB25 Family Law-Custody Evaluations-Qualifications

Uploaded by: Kristina Curley

Position: FAV



MARYLAND LEGISLATIVE LATINO CAUCUS

Lowe House Office Building, 6 Bladen Street, Room 200 · Annapolis, Maryland 21401
Phone 410-841-3374 | 301-858-3374 · 800-492-7122 Ext. 3374 · Fax 410-841-3342 | 301-858-3342
latino.caucus@house.state.md.us · www.mdlatinocaucus.org

ASHANTI MARTINEZ, CHAIR

GABRIEL ACEVERO, VICE-CHAIR

DENI TAVERAS, TREASURER

JOE VOGEL, SECRETARY

JASON A. AVILA GARCIA, EXECUTIVE DIRECTOR

TO: Senator William C. Smith Jr., Chair
Senator Jeff Waldstreicher, Vice Chair
Judicial Proceedings Committee Members

FROM: Maryland Legislative Latino Caucus

DATE: January 28, 2025

RE: SB25 – Family Law – Custody Evaluators – Qualifications

The MLLC supports SB25 – Family Law – Custody Evaluators – Qualifications 2025.

The MLLC is a bipartisan group of Senators and Delegates committed to supporting legislation that improves the lives of Latinos throughout our state. The MLLC is a crucial voice in the development of public policy that uplifts the Latino community and benefits the state of Maryland. Thank you for allowing us the opportunity to express our support of SB25.

This bill aims to establish specific qualifications for individuals appointed by courts as child custody evaluators. The bill defines a "custody evaluator" and outlines that courts may order assessments or appoint evaluators to aid in determining the best interests of a child in contested custody or visitation cases. To be appointed, a custody evaluator must be a licensed professional in fields such as psychiatry, psychology, marriage and family therapy, social work, or professional counseling, with equivalent licensure recognized across states. Additionally, evaluators are required to have completed training programs conforming to guidelines set by the Administrative Office of the Courts, possess experience in conducting custody evaluations, and maintain current knowledge in areas including domestic violence, child abuse, trauma, family dynamics, and the impacts of divorce on children and adults. The act is scheduled to take effect on July 1, 2025.

It is relevant to the Latino Caucus as it seeks to address inequities in child custody evaluations, which can disproportionately impact Latino families. Latino parents often face challenges such as language barriers, cultural misunderstandings, and implicit biases within the legal system. This bill emphasizes the need for custody evaluators to be culturally competent and trained to recognize and mitigate biases. Latino communities are often overrepresented in family court cases involving domestic violence or child welfare issues, these provisions ensure evaluations are fairer and more informed. By mandating stringent licensing and training requirements, the bill improves the quality and fairness of custody recommendations, ultimately supporting the rights and well-being of Latino families that are navigating the family court system.

For these reasons, the Maryland Legislative Latino Caucus respectfully requests a favorable report on SB25.

HB 152 SB 25 Testimony.pdf

Uploaded by: Lauren Cooper

Position: FAV



9714 Healthway Drive
P. O. Box 97
Berlin, Maryland 21811

Telephone: 410-641-0097
Fax: 410- 641-0935
TTY: 410-677-6800

E-Mail: LCooper@co.worcester.md.us
Website: TheCricketCenter.com

Lauren Cooper
Executive Director

Board of Directors

Christina Fohner
President

Christina Welch
Vice President

Roberta Baldwin
Sheriff Matthew Crisafulli
Kathy Denk
Chief Arnold Downing
Andrea West-McCabe
Stefanie Franklin
Kristin Heiser, Esq.
Lt. Earl Starner
Louis H. Taylor
Belinda Gulyas
Dr. Tammy Donoway
Ethan Holland
Jamie Manning

A 501 (c) (3) Organization
Federal ID# 26-0177198

Member

National Children's Alliance
Accredited Member

Maryland Children's Alliance
Member

Child Advocacy Center in Worcester County
Children's Resource Intervention Center – Kids Empowerment Team

January 21, 2025

RE: HB 152/SB 25 – Family Law – Child Custody Evaluators –
Qualifications

Position: FAVORABLE

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

The CRICKET Center, Worcester County's Child Advocacy Center, strongly supports HB 152/SB 25 – Family Law – Child Custody Evaluators – Qualifications and asks 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.

As an organization dedicated to protecting and advocating for children impacted by abuse, we understand the importance of ensuring that child custody proceedings prioritize the safety and well-being of vulnerable children. Through our work with children and families in Worcester County, we have seen firsthand the devastating consequences that can arise when custody decisions are made without proper understanding of the dynamics of domestic violence and child abuse.

HB 152/SB 25 addresses a significant gap in the current system by requiring child custody evaluators to meet basic qualifications and undergo essential training before being appointed or approved by the court. These measures are crucial in ensuring that evaluators possess the necessary expertise to accurately assess the complexities of cases involving domestic violence and child abuse.

The decisions made in child custody cases can have lifelong implications for children and their families. Without adequately trained and qualified evaluators, there is a heightened risk of misjudgments or decisions that could jeopardize a child's safety.

RE: HB 152/SB 25 – Family Law – Child Custody Evaluators – Qualifications

January 21, 2025

Page 2 of 2

This legislation is a vital step toward safeguarding children by ensuring that professionals involved in these critical decisions are prepared to handle the unique challenges of such cases.

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 time and attention to this vital issue.

Sincerely,



Lauren Cooper
Executive Director
The CRICKET Center

SB25 Custody Evaluators Qualifications & Training

Uploaded by: Nora Kenny

Position: FAV

**Testimony of Nora Kenny, Age 15, in Support of
SB25 - Family Law – Custody Evaluators – Qualifications & Training**

When I was around 8 years old, my family fell apart because my dad was arrested for abusing my older sister. My younger sister and I spent another year after that visiting him at my grandmother's house on certain days. However, my grandma didn't follow the given rules and allowed me and my sister to have unsupervised time with my father and even allowed us to sleep in the same room. The following year, me and my sister spent one evening a week at burger king with my dad, but this time it was supervised by a nice lady. When I was 10, I told my mom that I did not want to keep doing that and then I was finally free. I now know my mom spent two years after that battling in family court to keep me and my younger sister safe, that was until my dad was arrested for abusing other children. The court system did NOT protect me, my mom did. The person who knows how to deal with me best is my mom. If she is not given the responsibility to make decisions about my life, I AT LEAST want the person who is given that job to be trained specifically on these types of situations. I want them to be trained on how children's and teenager's brains develop, the facts about child abuse, signs of trauma in behaviors, and the long-term effects of childhood trauma. It makes me so mad to even think about the fact that the adults that could have been deciding my ENTIRE childhood have no idea how I feel, function, and what I need to heal and feel safe. I hate when people talk about what's fair to my mom or to my dad, what should matter in situations like mine is what's fair to ME. My childhood is made from so many small and large decisions, it feels insulting to know a COMPLETE STRANGER could be the one making those decisions instead of someone close to me. But what makes me even more angry is that the person that is given the job to make my childhood decisions isn't trained on child development, child abuse, trauma, and other important topics. I hope I will be aged out of the family court system by the time my dad gets out of jail, but my little sister will not be 18 before he is out of jail. I'm so scared for what could happen when my mom goes back to family court. The long term effects of trauma, which happens when these decisions are made incorrectly with poor judgment, are so incredibly horrific. I have been hospitalized multiple times since everything happened with my dad, I have struggled with mental illnesses such as anxiety and PTSD as well.

SB 25 - Senator Carozza Testimony_FINAL.pdf

Uploaded by: Senator Mary Beth Carozza

Position: FAV

MARY BETH CAROZZA
Legislative District 38
Somerset, Wicomico,
and Worcester Counties

Education, Energy, and
the Environment Committee

Executive Nominations Committee



Annapolis Office
James Senate Office Building
11 Bladen Street, Room 316
Annapolis, Maryland 21401
410-841-3645 • 301-858-3645
800-492-7122 Ext. 3645
Fax 410-841-3006 • 301-858-3006
MaryBeth.Carozza@senate.state.md.us

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

January 28, 2025

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 10th 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.

SB25 Amendment

Uploaded by: Senator Mary Beth Carozza

Position: FAV



SB0025/943627/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

28 JAN 25
09:29:58

BY: Senator Carozza

(To be offered in the Judicial Proceedings Committee)

AMENDMENT TO SENATE BILL 25

(First Reading File Bill)

On page 2, in line 7, strike “A” and substitute “EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS SECTION, A”.

On page 3, after line 19, insert:

“(G) A COURT MAY WAIVE THE REQUIREMENTS UNDER SUBSECTIONS (E) AND (F)(3) AND (4) OF THIS SECTION AND APPOINT AN INDIVIDUAL AS A CUSTODY EVALUATOR WHO:

(1) IS A COURT EMPLOYEE OR CONTRACTOR;

(2) MEETS THE QUALIFICATIONS UNDER SUBSECTION (F)(1) AND (2) OF THIS SECTION; AND

(3) HAS REGULARLY CONDUCTED CUSTODY EVALUATIONS FOR A MINIMUM OF 14 YEARS PRIOR TO JANUARY 1, 2025.”.

1 17 2025 SB 25 Letter of Support.pdf

Uploaded by: Sharon Donahue

Position: FAV

D**L****G****Donahue Law Group**

11724 Ocean Gateway, Suite 3
Ocean City, MD 21842
410-213-1147 Fax 410-213-1128
www.donahuelawgroup.net

Sharon M. Donahue
Admitted in Maryland & The District of Columbia

January 17, 2025

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

Sharon M. Donahue, Esq. of The Law Firm of Sharon M. Donahue, P.A. strongly supports HB 152/SB 25 – Family Law – Child Custody Evaluators – Qualifications. As an attorney for Children In Need of Assistance throughout the Eastern Shore of Maryland and a long time domestic law practitioner focusing on child custody matters, I 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.

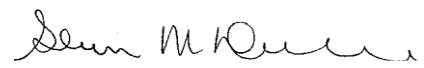
Having practiced family law with a strong focus on child custody cases over the past twenty years, far too often custody evaluations are assigned to Licensed Clinical Social Workers that lack specific clinical training in child abuse, particularly in circumstances where the children are products of generational trauma, violence and drug abuse in the home. Oftentimes, the court relies solely on the recommendation of the Custody Evaluator to the exclusion of other voices in the courtroom (including child counsel). As a result, the decisions made may not be in the best interests of the children being evaluated. Although custody evaluators are well-meaning, there needs to be a benchmark of training for the evaluators as well as having more experienced evaluators mentor the less experienced evaluators to make sure Maryland's children are treated fairly and their best interests and safety are protected. Thus, we need to ensure the selection of qualified and trained child custody evaluators in child custody cases involving domestic violence and child abuse.

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 shall be qualified and specifically 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,

A handwritten signature in cursive script, appearing to read "Sharon M. Donahue".


Sharon M. Donahue

Support Maryland SB 25 Tina Swithin.pdf

Uploaded by: Tina Swithin

Position: FAV



(720) 336-2111 

tina@onemomsbattle.com 

www.onemomsbattle.com 

793 E. Foothill Blvd., Suite A-41 

San Luis Obispo, CA 93405

January 24, 2025

LETTER OF SUPPORT: SB 25

Senate Judicial Proceedings Committee:

My name is Tina Swithin and for the past decade, my organization has advocated for child safety legislation across the country.

Custody evaluators wield incredible influence over children's lives and strongly influence judicial decisions, yet their training, licensing, and expertise varies widely -- and often falls short, leading to inconsistent and dangerous outcomes.

Every week, I hear stories of horrific abuse and children lost to preventable tragedies. It is fundamental that anyone making decisions impacting a child's life has training in domestic violence, child neglect, abuse, and trauma. We need to raise the bar when it comes to the safety of our children.

You may hear opposition advocating for the inclusion of "parental alienation," a pseudo-scientific concept rejected by major medical organizations, including the American Psychiatric Association. In 2023, the United Nations special rapporteur called for this theory to be eradicated from family court systems worldwide stating, "parental alienation" is a "discredited and unscientific pseudo-concept used in family law proceedings by abusers as a tool to continue their abuse and coercion and to undermine and discredit allegations of domestic violence made by mothers who are trying to keep their children safe."

Maryland can become a leader in child safety legislation – I urge you to support Senate Bill 25 which will help protect the most vulnerable members of our society.

Citation: Custody, violence against women and violence against children: report of the Special Rapporteur on Violence against Women and Girls, Its Causes and Consequences, Reem Alsalem (2023)

Thank you for your time,

Tina Swithin

IL Written Testimony - SB 25 - Favorable w Amdmts.

Uploaded by: Chris Kelter

Position: FWA



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:

Chris Kelter, Executive Director
Accessible Resources for Independence
443-713-3914
ckelter@arinow.org

Danielle Bustos, MDYLF Coordinator
Independence Now
240-898-2189
dbustos@innnow.org

SB25 Krawczyk - Support with Amendments- Parent Ch

Uploaded by: Laurie Krawczyk

Position: FWA

Maryland General Assembly 2025 Session
SB25 Family Law – Child Custody Evaluators – Qualifications
Melissa Krawczyk
Jarrettsville, MD
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](#)¹ that BIAs seek Custody Evaluators who, "... intend to comply with the American Psychological Association Guidelines for Custody Evaluations² or the Association of Family and Conciliation Courts (AFCC) Guidelines,³" 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](#)"⁴ 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).

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

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

³ 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>

⁴ <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;

DRMtestimony2025.SB25.pdf

Uploaded by: Leslie Margolis

Position: FWA

JUDICIAL PROCEEDINGS COMMITTEE

SENATE BILL 25: FAMILY LAW—CHILD CUSTODY EVALUATORS—QUALIFICATIONS

DATE: JANUARY 28, 2025

POSITION: SUPPORT WITH AMENDMENT

Disability Rights Maryland (DRM) is the protection and advocacy organization for the state of Maryland; the mission of the organization, part of a national network of similar agencies, is to advocate for the legal rights of people with disabilities throughout the state. DRM supports Senate Bill 25, which would impose a set of qualifications on child custody evaluators. However, given the long history of discrimination against parents with disabilities, DRM requests an amendment specifying that child custody evaluators must receive training about disability and about how to make recommendations based on evidence, not assumptions about disability.

At the time of passage of the Americans with Disabilities Act, 20 U.S.C. §12101 *et seq.* in 1990, Congress found that people with disabilities have encountered “the discriminatory effects of...exclusionary qualification standards and criteria” and that they have faced discrimination “resulting from stereotypic assumptions not truly indicative of the individual ability of such individuals.”¹ Congress also found that “discriminatory policies and practices affect people with disabilities in every aspect of their lives...[including] securing custody of their children.”²

In 2014, the Maryland Commission on Child Custody Decisionmaking issued a report that included the Report of the Disability Bias and Neutral-Language Subcommittee. The Subcommittee found that there was a history of bias against parents with disabilities and that child custody decisions were made on the basis of assumptions, e.g., that a parent with a particular type of disability is not capable of parenting. The Subcommittee recommended training for all family court professionals on a regular basis about parents with disabilities and their children. Additionally, the Subcommittee recommended that custody evaluations include supporting evidence regarding use of best practices to assess any disability-related issue and training to ensure that custody determinations are based on evidence, not assumptions. The Commission’s report has not been fully adopted.

¹ 20 U.S.C. §§12101(a)(5) and 12101(a)(7).

² H.R. Rep. No. 485, Pt. 3 at 25.

DRM Testimony: Senate Bill 25

January 28, 2025

Page Two

Because parents with disabilities still face discrimination in the child custody process, DRM proposes the following amendment:

(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.

Please contact Leslie Seid Margolis at lesliem@disabilityrightsmd.org or 443-692-2505 with questions.

Respectfully submitted,

Leslie Seid Margolis

Managing Attorney and Policy Counsel

MACA MD written testimony SB25.pdf

Uploaded by: Rael LaPenta

Position: FWA

Senate Bill 25

MACA supports with amendments (FWA)

Written Testimony for Maryland House Legislation – SB 25

Submitted by: Rael LaPenta, Mothers Against Child Abuse (MACA)

Dear Respected Legislator,

My name is Rael LaPenta, and I am writing as a representative of Mothers Against Child Abuse (MACA), a national organization dedicated to advocating for victims of child abuse and protecting children from all forms of maltreatment. On behalf of MACA, I respectfully submit this testimony to support Senate Bill 25, with amendments (FWA), and urge the legislature to address critical concerns surrounding psychological maltreatment and Parent-Child Contact Problems, including Parental Alienation in custody evaluations.

Key Concerns and Recommendations

1. Urgent Need to Address Psychological Maltreatment in Maryland

Psychological abuse, as identified by the American Academy of Pediatrics in 2012, is the most challenging and prevalent form of child abuse¹. According to the 2020 Domestic Violence Hotline data², 95% of contacts reported experiencing emotional abuse. Emotional and psychological abuse often leads to long-term trauma, including anxiety, chronic depression, and PTSD, as documented in studies published by the American Psychological Association.

Maryland's child welfare data³ highlights the alarming disregard of psychological maltreatment, demonstrating the need for enhanced training and assessments in custody evaluations. As a step forward, MACA strongly recommends the inclusion of Parent-Child Contact Problems as a required area of expertise for custody evaluators, alongside mandatory referrals for specialized evaluations when such issues arise.

2. The Problem of Parental Alienation

Parental alienation, where a child unjustifiably rejects one parent, affects an estimated 19% of families in the U.S. and over 3.9 million children, according to the Parental Alienation Study Group⁴. Alienating behaviors are

¹ FROM THE AMERICAN ACADEMY OF PEDIATRICS|CLINICAL REPORT| AUGUST 01 2012 **Psychological Maltreatment the Committee on Child Abuse and Neglect and AMERICAN ACADEMY OF CHILD AND ADOLESCENT PSYCHIATRY, Child Maltreatment and Violence Committee**; *Pediatrics* (2012) 130 (2): 372–378. <https://doi.org/10.1542/peds.2012-1552>

² <https://www.thehotline.org/wp-content/uploads/media/2021/06/Hotline-EOY-Impact-Report-2020.pdf>

³ <https://www.childtrends.org/publications/state-level-data-for-understanding-child-welfare-in-the-united-states>

⁴ The Not-Forgotten Child: Alienated Adult Children's Experience of Parental Alienation. June 2020. [American Journal of Family Therapy](#) 48(2):1-21

a form of emotional abuse with devastating consequences, including anger, low self-esteem, and long-term mental health issues. Research shows that children exposed to parental alienating behaviors⁵ in childhood experience anxiety disorders, emotional pain, addiction, and suicidal ideation in adulthood.⁶

Misdiagnosis of parental alienation further complicates custody cases. Studies (e.g., Warshak, 2002⁷⁸) reveal that **failure to accurately identify alienation—or mistaking genuine abuse for alienation—can cause significant harm to children.** This underscores the need for custody evaluators to have specialized training to understand the nuanced behaviors and dynamics at play.

3. Recommendations for Legislative Action

MACA applauds the intent of HB 152 to improve custody evaluator qualifications by requiring training in family conflict dynamics and child development. However, to comprehensively address these issues, we recommend the following amendments:

- **Mandate Specific Training in Parent-Child Contact Problems: This includes education on parental alienation, psychological maltreatment, and related family dynamics.**

- **Expand Assessments to Include Parent-Child Contact Issues: Cases involving suspected alienation or psychological maltreatment should undergo specific evaluations, similar to those conducted for mental health, home studies, and substance abuse.⁹**

- **Adopt Evidence-Based Models: Leverage nationwide guidance, such as training programs offered by the Association of Family & Conciliation Courts (AFCC), to ensure custody evaluators are well-equipped to handle complex family dynamics.**

DOI:[10.1080/01926187.2020.1775531](https://doi.org/10.1080/01926187.2020.1775531)

⁵ The Devastating Effects of Parental Alienation: Anger, guilt, grief, disconnection, and low self-esteem. January 8, 2024
<https://www.psychologytoday.com/us/blog/head-games/202112/the-devastating-effects-of-parental-alienation>

⁶ Children (Basel). 2022 Mar 30;9(4):475. doi: [10.3390/children9040475](https://doi.org/10.3390/children9040475) The Impact of Parental Alienating Behaviours on the Mental Health of Adults Alienated in Childhood (qualitative study) <https://pmc.ncbi.nlm.nih.gov/articles/PMC9026878/>

⁷ Warshak, R. A. (2002). Misdiagnosis of parental alienation syndrome. *American Journal of Forensic Psychology*, 20(2), 31–52.
<https://psycnet.apa.org/record/2002-02595-002>

⁸ “When evaluators get it wrong: False positive IDs and parental alienation. Richard A Warshak. *Psychology, public policy, and law* 26 (1), 54, 2020
<https://psycnet.apa.org/buy/2019-64868-001>.

PDF

 **Warshak-CR76 When Evaluators Get It Wrong- False Positive IDs and Parental Alienatio...**

⁹ <https://www.courts.state.md.us/video/courthelp/mental-health-home-studies>

Support from Research and Professional Organizations

•AFCC & NCJFJ Joint Problem Statement (2022): The Association of Family & Conciliation Courts and the National Council of Juvenile and Family Judges stress the importance of addressing parent-child contact problems through specialized training and structured, evidence-based screening processes.¹⁰

•AFCC Training Resources: AFCC's 28-hour online parenting plan evaluation program exemplifies the type of comprehensive training Maryland could adopt to enhance evaluator competency.¹¹

The High Stakes for Maryland Families

By including parent-child contact problems in HB 152, Maryland has the opportunity to set a national standard in child custody evaluations. Missteps in custody decisions can have lifelong consequences for children and families. **Evaluators must possess the expertise to distinguish between genuine abuse, alienating behaviors, and other dynamics to protect children's well-being.** Maryland recommends this training as aligning with current requirements and considered 'best practices,' adding this to the law would ensure best practices are required for children.¹²

MACA believes that children's futures are too valuable to risk on inadequately informed custody evaluations. We ask that you seriously consider our proposed amendments to ensure Maryland's custody courts provide the safest outcomes for children.

We are available to meet, discuss further, and provide additional resources or clarification regarding this testimony. Thank you for your attention to this critical matter and for your dedication to Maryland's children and families.

We thank you for your dedication and tireless work in protecting children, and thank you for this opportunity to share our concerns!

Respectfully,

Rael LaPenta

Mothers Against Child Abuse (MACA)

¹⁰ <https://www.afccnet.org/Portals/0/Committees/AFCC%20NCJFCJ%20Joint%20Statement.pdf?ver=L-vPDsr8pJiqRiVqbsVdDg%3d%3d>

¹¹ <https://www.afccnet.org/Conferences-Training/AFCC-Training>
https://www.afccnet.org/Portals/20/AFCC-PPE-Brochure-2025-12-13-24.pdf?ver=bxslTQa94bQW0bW2fB_2Qw%3d%3d

¹² <https://www.courts.state.md.us/legalhelp/family/custodyandvisitation>

SB25 FWA.pdf

Uploaded by: Yaakov aichenbaum

Position: FWA



SB25 FWA Family Law – Child Custody Evaluators – Qualifications

To the Honorable members of the Judiciary Committee:

SB25 addresses the critical issue of proper training for child custody evaluators. It parallels Maryland Rules Title 9. Family Law Actions Chapter 200. Divorce, Annulment, Alimony, Child Support, and Child Custody, Rule 9-205.3 (<https://bit.ly/4gFXmKR>) and accomplishes little more than add the power of legislation to this already existing rule. Nevertheless, it still has two areas of concern.

The first area of concern is that the mere fact that a person is a licensed mental health provider does not provide the person with the knowledge to perform forensic child custody evaluations. In these often extremely complicated cases, a forensic evaluator needs to consider different hypotheses for what is observed and use the scientific method to draw conclusions about the family dynamics. Clinical training and experience in diagnosis and/or providing therapy does not ensure that the provider has this requisite forensic training.

It is clear from the 2022 APA Custody Evaluator Guidelines (<https://www.apa.org/about/policy/child-custody-evaluations.pdf>) as well from the Association of Family and Conciliation Courts Model Standards of Practice for Child Custody Evaluation (<https://bit.ly/3W7m7re>) that parent-child contact problems (PCCP) must be explored. To quote the AFCC:

Evaluators shall have the professional knowledge and training needed to conduct assessments in which special issues are reasonably likely to arise. Such special issues may include acknowledged or alleged domestic violence, acknowledged or alleged substance abuse, **acknowledged or alleged alienating behaviors**, acknowledged or alleged child maltreatment including child sexual abuse, relocation requests, and sexual orientation issues.

SB25 neglects to include training in parent-child contact refusal issues even though such training is endorsed by the APA and AFCC. According to the AFCC, “When evaluators lack specialized training in particular areas of concern for the evaluation, they shall either **decline** the appointment for the evaluation or seek professional consultation in the assessment of that portion of the evaluation”.

It is unethical for an evaluator who lacks training in parental alienation and other parent-child contact issues to evaluate a case in which there are allegations of parental alienation. If such an evaluation were nevertheless conducted, the alleged alienated parent would have solid grounds to motion the court to disregard the evaluation based upon this ethical violation and lack of validity.

The second area of concern is that this bill states that:

(6)(F)(1) A CUSTODY EVALUATOR SHALL HAVE: COMPLETED A TRAINING PROGRAM THAT CONFORMS WITH GUIDELINES ESTABLISHED BY THE ADMINISTRATIVE OFFICE OF THE COURTS.

There is no way of knowing what this will encompass. We tried to get information from the Maryland Judiciary in 2023 concerning the components of its family court judicial training. We were told that Md. Rule 16-913(e) (<https://bit.ly/3DHk9rc>) provides that this information should not be made public:



SB25 FWA

Family Law – Child Custody Evaluators – Qualifications

(e) Educational and Training Materials. A custodian shall deny inspection of judicial records prepared by, for, or on behalf of a unit of the Maryland Judiciary for use in the education and training of Maryland judges, magistrates, clerks, and other judicial personnel.

We are concerned that this lack of transparency will prevent any oversight relating to the requirements of the court for a custody evaluator to have proficiency in assessing parental alienation claims.

Likewise, we are concerned that domestic violence advocates such as Danielle Pollack (policy director of the National Family Violence Law Center), Joan Meier (director of the National Family Violence Law Center), Jean Mercer, Anne Hoyer and others will influence these guidelines to promote an anti-parental alienation agenda. Recently, Meier's National Family Violence Law Center published a Parental Alienation Primer for Advocates (<https://fvaplaw.org/wp-content/uploads/2024/12/PA-primer-for-advocates.pdf>). This primer is replete with misinformation about parental alienation. For example, it says that:

While some parents do engage in such behavior, there is little evidence that it actually changes children's attitudes toward the other parent nor that this alone causes long-term harms.

Meier ignores the vast research about the etiology and pathogenesis of alienation and its long-term effects (see for example <https://pmc.ncbi.nlm.nih.gov/articles/PMC9026878/>). Such blatant misinformation gives us cause for worry that even this streamlined custody evaluator bill will be misused to promote this public policy deception and science denial campaign to the Administrative Office of the Courts.

In addition, the National Family Violence Law Center and other domestic violence advocates provide their own training programs. According to the current text of this bill, the National Family Violence Law Center could include its misinformation about parental alienation in its evaluator training programs and still be following this bill.

In consideration of the above concerns, we ask that the following be added to section (6)(f)(4) of this bill:

(VII) PARENT-CHILD CONTACT PROBLEMS

With this addition in place, we can support this bill. Thank you for your careful consideration of these concerns which will have a significant impact on the safety of MD children.

Yours,

Yaakov Aichenbaum
PAS-Intervention MD Chapter
yaakov@ybm.edu

SB 25 - UNF - House of Ruth.pdf

Uploaded by: Deena Hausner

Position: UNF



House of Ruth Maryland

Domestic Violence Legal Clinic

2201 Argonne Drive, Baltimore, Maryland 21218

(410) 554-8463 • Fax: (410) 243-3014 • www.hruth.org • legal@hruthmd.org

Toll Free: 1-888-880-7884 • Maryland Relay: 711

Bill No.: Senate Bill 25
Bill Title: Family Law – Child Custody Evaluators – Qualifications
Committee: Judicial Proceedings
Hearing Date: January 28, 2025
Position: **UNF**

House of Ruth is a non-profit organization providing shelter, counseling, and legal services to victims of domestic violence throughout the State of Maryland. House of Ruth has offices in Baltimore City, Baltimore County, Prince George's County, and Montgomery County. House Bill 848 requires the court, when determining legal and physical custody, to consider certain factors. **We urge the Senate Judicial Proceedings Committee to unfavorably report on Senate Bill 25.**

House of Ruth believes it is important that court custody evaluators are fully trained in many, but not all, of the areas outlined in the bill. A child custody evaluation is a process in which a mental health expert, often a psychologist or social worker, evaluates a family and makes a recommendation to the court for a custody, visitation, or parenting plan that is in the child's best interests. It is extremely important for custody evaluators to be fully trained on the adverse childhood experiences, trauma, domestic violence, child abuse and emotional abuse.

House of Ruth generally supports the intent of this bill but is concerned about moving the educational and training requirements for court custody evaluators from the Maryland Rules of Court to statute while leaving the rest of the conditions governing custody evaluators in the Maryland Rules. We believe that the Maryland Rules of Court are the correct place for all of the conditions governing custody evaluators as the Court needs to be able to adjust and amend these conditions as necessary to meet its needs and not wait for the next legislative session.

The House of Ruth urges the Senate Judicial Proceedings Committee to report unfavorably on Senate Bill 25.

SB 25 - MNADV - UNF.pdf

Uploaded by: Laure Ruth

Position: UNF



BILL NO: Senate Bill 25
TITLE: Family Law - Child Custody Evaluators - Qualifications
COMMITTEE: Judicial Proceedings
HEARING DATE: January 28, 2025
POSITION: **OPPOSE**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the Senate Judiciary Committee to issue an unfavorable report on SB 25.**

A version of SB 25 has been introduced for the past several years. Senate Bill 25 this year purports to place into statute what qualifications child custody evaluators must have in order to be evaluators. However, during the interim (and recently), the sponsors of SB 25 collaborated with Judiciary representatives to propose amendments to Maryland Rule 9-205.3 (Custody and Visitation-Related Assessments). The amendments were approved by the Rules Committee on January 10, 2025. This is what the opponents of this bill have been asking for and is excellent news, obviating the need for this bill.

The required education and mandatory topics of training for the custody evaluators are clearly enumerated in the Rule. Maryland Rule 9-205.3 has the force of law and will preclude the need for a separate statute as proposed by SB 25. In fact, the enactment of a separate statute which overlaps Rule 9-205.3 would lead to confusion as the two would differ from the outset and any amendments or revisions made in the future may cause increased conflict in interpretation.

We need to give the new Rule time to see if it is making a difference in how evaluators are trained and whether their recommendations are incorporating new understanding of how child abuse, child sexual assault, intimate partner violence and the like affect children and should impact custody decisions.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges an unfavorable report on SB 25.**

For further information contact Laure Ruth ■ Public Policy Director ■ 301-852-3930 ■ lruth@mnadv.org

1997 Annapolis Exchange Parkway, Suite 300 ■ Annapolis, MD 21401
Tel: 301-429-3601 ■ E-mail: info@mnadv.org ■ Website: www.mnadv.org

OPD Testimony SB25 Child Custody Evaluators (1).do

Uploaded by: Maria Nenutzka Villamar

Position: UNF



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS

ELIZABETH HILLIARD
ACTING DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: SB 25 Family Law - Child Custody Evaluators – Qualifications

FROM: Maryland Office of the Public Defender

POSITION: Unfavorable

DATE: 1/28/2025

The Maryland Office of the Public Defender respectfully requests that the Committee issue an unfavorable report on Senate Bill 25. However, the MOPD would have no opposition to the passage of this bill if it (1) explicitly excluded its application to Child In Need of Assistance (CINA) cases, and (2) required child custody evaluators to have skills, training, and knowledge of the effects on families of separating children from their parents. Senate Bill 25 codifies the qualifications certain professionals must possess in order to be appointed or approved by the court as custody evaluators, and authorizes the court on its own initiative or at the request of a party to order an assessment to aid the court in evaluating, among other things, the “best interests of a child in a contested custody or visitation case.”

The Office of the Public Defender’s concern with SB 25 is its effect on parties involved in Child In Need of Assistance (CINA) cases, which are governed by Courts and Judicial Proceedings Title 3 Subtitle 8. Although CINA cases are governed by a separate and distinct statute, the statutes in the Family Law Article have been applied to CINA proceedings because all CINA proceedings involve issues of custody and visitation. Therefore, Family Law § 9-101.1 has been applied to CINA cases, and accordingly Senate Bill 25 will apply to CINA cases if it is passed. That means that in every CINA case – which by definition involves issues of abuse and neglect of the child – the juvenile court may appoint a third party to determine what is in the best interest of the child, even though in a case involving the government taking away children from their families, it is supposed to be the court which determines what is in the child’s best interests.

Additionally, if SB 25 applies to CINA cases, the experts should be trained, experienced, and knowledgeable about the harm caused by family separation and involvement in the foster care system. The present language of the bill does not require that.

Finally, SB 25 authorizes a court to order the cost of an assessment to be paid in whole or in part by a party but must give the parties notice and an opportunity to object. This provision potentially adds another hearing to be placed on the docket. CINA cases already involve at least six hearings at which there must be an attorney from the Department of Social Services, attorney for the child or children, and an attorney for each parent. Nearly 98% of all parents in CINA cases are represented by the MOPD, which means they are poor and likely cannot afford to pay for the assessment. The children are also represented by state appointed counsel. In other words, a hearing would have to be held to determine who will bear the cost of the assessment, and the costs would likely fall on either the court or the Department of Social Services. The MOPD sees approximately 1,300 new CINA cases every year statewide. The number of additional hearings that would have to be docketed in court could potentially increase by at least 1,000.

If SB 25 explicitly excluded application to CINA cases, these concerns would cease to exist and the MOPD would not have any opposition to the proposed provisions.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on Senate Bill 25.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.

Authored by: Nena C. Villamar, Chief of Parental Defense Division,

nena.villamar@maryland.gov, 410-458-8857.

sb25final.pdf

Uploaded by: Will Vormelker

Position: UNF

HON. STACY A. MAYER
CIRCUIT COURT
JUDGE
BALTIMORE COUNTY
CHAIR

HON. RICHARD SANDY
CIRCUIT COURT
JUDGE
FREDERICK COUNTY
VICE-CHAIR



KELLEY O'CONNOR
ASSISTANT STATE COURT
ADMINISTRATOR
GOVERNMENT RELATIONS
AND PUBLIC AFFAIRS
P: (410) 260-1560

SUZANNE PELZ, ESQ.
SNR. GOVT. RELATIONS AND
PUBLIC AFFAIRS OFFICER
P: (410)260-1523

MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 25
Family Law – Child Custody Evaluators – Qualifications
DATE: January 15, 2025
(1/28)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 25.

The Judiciary appreciates the sponsors' thoughtful consideration of feedback about prior iterations of this bill and their willingness to work with Judiciary representatives to ensure custody evaluators receive appropriate training. The sponsors and those representatives proposed amendments to Maryland Rule 9-205.3 (Custody and Visitation-related Assessments) that were approved, with minor stylistic changes, by the Standing Committee on Rules of Practice and Procedure (Rules Committee) on January 10, 2025. The amendments that were approved by the Rules Committee are attached here.¹

While the Judiciary supports the goals of this bill, it is unnecessary in light of the efforts to amend Rule 9-205.3. Article IV, § 18(a) of the Maryland Constitution confers upon

¹ The amendments, subject to purely stylistic changes made by a Style Subcommittee, are on track to be in the next general Report of the Rules Committee to the Supreme Court of Maryland (likely in February or March 2025).

the Supreme Court of Maryland authority to adopt rules that “*shall have the force of law* until rescinded, changed or modified by the Supreme Court of Maryland or otherwise by law.” Like the legislative process, the rulemaking process is public and deliberative, and anyone can ask the Rules Committee to consider new rules or rule changes. Maryland Rule 9-205.3 sets forth comprehensive requirements regarding custody evaluations including training and eligibility requirements for evaluators, provisions regarding fees, and other aspects beyond those included in the bill. Maintaining these requirements in the Rule gives litigants, custody evaluators, attorneys, the courts, and others one place where they can find the law regarding these evaluations (versus, for example, having to consult with both a rule and a statute).

Although there is significant overlap between the bill and rule, where they differ is that the bill would affect the jobs of two county employees and includes structurally confusing and potentially limiting language.

Court employees. When Maryland Rule 9-205.3 was first adopted in 2016, it established the licensing requirements for custody evaluators that appear in section (d)(1) of the rule and that mirror section (e) of the bill. Section (d)(3) of the rule waives the training and licensing requirements for court employees or contractors who have been performing custody evaluations for at least five (5) years prior to January 1, 2016. This waiver provision was adopted to protect the jobs of court employees who do not have one of the qualifying licenses but had other relevant education, training, and experience performing custody evaluations. The rule also requires that “waived in” evaluators complete 20 hours of continuing education relevant to the performance of custody evaluations and certain topics each year.

At this time, only two Anne Arundel County Circuit Court employees perform custody evaluations under this waiver provision. Both have relevant education and training and over 20 years of experience performing custody evaluations. The bill would disqualify these employees from their jobs. Courts are having difficulty hiring custody evaluators as the work is difficult, the pay non-competitive, and there are very few paths for mental health professionals to gain experience as evaluators.

The amendments to the rule approved by the Rules Committee protect the jobs of these two employees by making clear that only the licensing requirement can be waived, not the rule’s requirement that custody evaluators receive training that conforms with guidelines established by the Administrative Office of the Courts that are referenced in (d)(2) of the rule and (f)(1) of the bill.² Both court employees attended a May 2023 Judiciary training program that conformed the guidelines.

Language. The Judiciary notes that the language, “dealing with allegations in the following areas,” that appears in section (f)(4) of the bill is structurally confusing as items (iii)-(vi) are areas of knowledge not “allegations” (e.g., “child and adult development” is a topic not something that is alleged). With respect to items (i)

² The guidelines are available at <https://www.mdcourts.gov/sites/default/files/import/family/pdfs/custodyvisitationtrainingguidelines.pdf>.

(domestic violence) and (ii) (child abuse and neglect), “dealing with allegations” could be interpreted as limiting. Custody evaluators would benefit from training in all aspects of domestic violence and child abuse and neglect, not just allegations of the same. Guidelines referenced in (d)(2) of the Rule and (f)(1) of the bill require that evaluators receive broader training on these and other topics. The proposed amendments to Rule 9-205.3 include the same list that appears in (f)(4) of the bill as areas in which evaluators must have demonstrated knowledge and experience.

The Judiciary is happy to continue to work with the Sponsors and stakeholders on this important issue.

cc. Hon. Mary Beth Carozza
Judicial Council
Legislative Committee
Kelley O'Connor

MARYLAND RULES OF PROCEDURE

TITLE 9 - FAMILY LAW ACTIONS

CHAPTER 200 - DIVORCE, ANNULMENT, ALIMONY, CHILD SUPPORT, AND

CHILD CUSTODY

AMEND Rule 9-205.3 by adding clarifying language to subsection (c) (2); by creating new subsection (d) (1) (A) using the language of current subsection (d) (1); by adding new subsection (d) (1) (B) regarding continuing education and licensing requirements; by creating new subsection (d) (2) (A) addressing mandatory training using language from current subsection (d) (2), with modifications; by creating new subsection (d) (2) (B) concerning required experience using language from current subsection (d) (2), with modifications; by updating the topics of required knowledge and experience in subsection (d) (2) (B); by modifying the court's ability to waive licensing requirements in subsection (d) (3); and by making stylistic changes, as follows:

Rule 9-205.3. CUSTODY AND VISITATION-RELATED ASSESSMENTS

(a) Applicability

This Rule applies to the appointment or approval by a court of a person to ~~perform~~ conduct an assessment in an action

under this Chapter in which child custody or visitation is at issue.

Committee note: In this Rule, when an assessor is selected by the court, the term "appointment" is used. When the assessor is selected by the parties and the selection is incorporated into a court order, the term "approval" is used.

(b) Definitions

In this Rule, the following definitions apply:

(1) Assessment

"Assessment" includes a custody evaluation, a home study, a mental health evaluation, and a specific issue evaluation.

(2) Assessor

"Assessor" means an individual who ~~performs~~ conducts an assessment.

(3) Custody Evaluation

"Custody evaluation" means a study and analysis of the needs and development of a child who is the subject of an action or proceeding under this Chapter and of the abilities of the parties to care for the child and meet the child's needs.

(4) Custody Evaluator

"Custody evaluator" means an individual appointed or approved by the court to ~~perform~~ conduct a custody evaluation.

(5) Home Study

"Home study" means an inspection of a party's home that focuses upon the safety and suitability of the physical surroundings and living environment for the child.

(6) Mental Health Evaluation

"Mental health evaluation" means an evaluation of an individual's mental health ~~performed~~ conducted by a psychiatrist or psychologist who has the qualifications set forth in subsection ~~(d) (1) (A) or (B)~~ (d) (1) (A) (i) or (ii) of this Rule. A mental health evaluation may include psychological testing.

(7) Specific Issue Evaluation

"Specific issue evaluation" means a focused investigation into a specific issue raised by a party, the child's attorney, or the court affecting the safety, health, or welfare of the child as may affect the child's best interests.

Committee note: A specific issue evaluation is not a "mini" custody evaluation. A custody evaluation is a comprehensive study of the general functioning of a family and of the parties' parenting capacities. A specific issue evaluation is an inquiry, narrow in scope, into a particular issue or issues that predominate in a case. The issue or issues are defined by questions posed by the court to the assessor in an order. The evaluation primarily is fact-finding, but the court may opt to receive a recommendation. Examples of questions that could be the subject of specific issue evaluations are questions concerning the appropriate school for a child with special needs and how best to arrange physical custody and visitation for a child when one parent is relocating.

(8) State

"State" includes the District of Columbia.

(c) Authority

(1) Generally

On motion of a party or child's counsel, or on its own initiative, the court may order an assessment to aid the court in evaluating the health, safety, welfare, or best interests of a child in a contested custody or visitation case.

(2) Appointment or Approval

The court may appoint or approve any person deemed competent by the court to ~~perform~~ conduct a home study. The court may not appoint or approve a person to ~~perform~~ conduct a custody evaluation or specific issue evaluation unless (A) the assessor has the qualifications set forth in subsections (d)(1) and (d)(2) of this Rule, or (B) the qualifications set forth in subsection (d)(1) of this Rule have been waived for the assessor pursuant to subsection (d)(3) of this Rule.

(3) Cost

The court may not order the cost of an assessment to be paid, in whole or in part, by a party without giving the parties notice and an opportunity to object.

Committee note: Nothing in this Rule precludes the court from ordering preliminary screening or testing for alcohol and substance use.

(d) Qualifications of Custody Evaluator

(1) Education and Licensing

(A) Required Education and Licensure

A custody evaluator shall be:

~~(A)~~ (i) a physician licensed in any State who is board-certified in psychiatry or has completed a psychiatry residency accredited by the Accreditation Council for Graduate Medical Education or a successor to that Council;

~~(B)~~ (ii) a Maryland-licensed psychologist or a psychologist with an equivalent level of licensure in any other state;

~~(C)~~ (iii) a Maryland-licensed clinical marriage and family therapist or a clinical marriage and family therapist with an equivalent level of licensure in any other state;

~~(D)~~ (iv) a Maryland-licensed certified social worker-clinical or a clinical social worker with an equivalent level of licensure in any other state;

~~(E)~~ (v) ~~(i)~~ (a) a Maryland-licensed graduate or master social worker with at least two years of experience in ~~(a)~~ (1) one or more of the areas listed in subsection ~~(d)~~ (2) (d) (2) (B) of this Rule, ~~(b)~~ performing (2) conducting custody evaluations, or ~~(c)~~ (3) any combination of subsections ~~(a)~~ (d) (1) (A) (v) (a) (1) and ~~(b)~~ (d) (1) (A) (v) (a) (2); or ~~(ii)~~ (b) a graduate or master social worker with an equivalent level of licensure and experience in any other state; or

~~(F)~~ (vi) a Maryland-licensed clinical professional counselor or a clinical professional counselor with an equivalent level of licensure in any other state.

(B) Continuing Education and Licensure Requirements

A custody evaluator shall comply with all conditions necessary to maintain professional licensure, including completing all mandatory continuing education requirements.

(2) Training and Experience

(A) Mandatory Training

~~Unless waived by the court, a~~ A custody evaluator shall have completed, ~~or commit to completing, the next available~~ a training program that conforms ~~with~~ to guidelines established by the Administrative Office of the Courts. ~~The current guidelines~~ Current training guidelines shall be posted on the Judiciary's website.

(B) Required Experience

~~In addition to complying with the continuing requirements of the custody evaluator's field, a~~ A custody evaluator shall have ~~training or~~ experience in conducting or observing ~~or performing~~ custody evaluations, and shall have ~~current demonstrated knowledge in the following areas of and~~ experience in the following topics:

~~(A)~~ (i) domestic and family violence;

~~(B)~~ (ii) child neglect and abuse;
(iii) child and adult development;
(iv) trauma and its impact on children and adults;
~~(C)~~ (v) family ~~conflict and~~ dynamics and conflict
resolution;
~~(D) child and adult development;~~ and
~~(E)~~ (vi) the impact of divorce and separation on children
and adults.

(3) Waiver of Licensing Requirements

If a court employee, or an individual under contract
with the court, ~~has been performing~~ regularly conducted custody
evaluations ~~on a regular basis as an employee of, or under~~
~~contract with, the court~~ for at least ~~five~~ fourteen years prior
to January 1, ~~2016~~ 2025, the court may waive any of the
requirements set forth in subsection (d) (1) of this Rule,
provided that the individual ~~participates in~~ completes a
training program required by subsection (d) (2) (A) of this Rule
and completes at least 20 hours per year of continuing education
relevant to ~~the performance of~~ conducting custody evaluations,
~~including course work in one or more of the areas listed in~~
~~subsection (d) (2) of this Rule.~~

(e) Custody Evaluator Lists and Selection

(1) Custody Evaluator Lists

If the circuit court for a county appoints custody evaluators who are not court employees, the family support services coordinator for the court shall maintain a list of qualified custody evaluators. An individual, other than a court employee, who seeks appointment by a circuit court as a custody evaluator shall submit an application to the family support services coordinator for that court. If the applicant has the qualifications set forth in section (d) of this Rule, the applicant's name shall be placed on a list of qualified individuals. The family support services coordinator, upon request, shall make the list and the information submitted by each individual on the list available to the public.

(2) Selection of Custody Evaluator

(A) By the Parties

By agreement, the parties may employ a custody evaluator of their own choosing who may, but need not, be on the court's list. The parties may, but need not, request the court to enter a consent order approving the agreement and selection. The court shall enter the order if one is requested and the court finds that the custody evaluator has the qualifications set forth in section (d) and that the agreement contains the relevant information set forth in section (g) of this Rule.

(B) By the Court

An appointment of an individual, other than a court employee, as a custody evaluator by the court shall be made from the list maintained by the family support services coordinator. In appointing a custody evaluator from a list, the court is not required to choose at random or in any particular order from among the qualified evaluators on the list. The court should endeavor to use the services of as many qualified individuals as practicable, but the court may consider, in light of the issues and circumstances presented by the action or the parties, any special training, background, experience, expertise, or temperament of the available prospective appointees. An individual appointed by the court to serve as a custody evaluator shall have the qualifications set forth in section (d) of this Rule.

(3) Selection of Assessor to ~~Perform~~ Conduct Specific Issue Evaluation

Selection of an assessor to ~~perform~~ conduct a specific issue evaluation shall be made from the same list and by the same process as pertains to the selection of a custody evaluator.

(f) Description of Custody Evaluation

(1) Mandatory Elements

Subject to any protective order of the court, a custody evaluation shall include:

(A) a review of the relevant court records pertaining to the litigation;

(B) an interview of each party and any adult who performs a caretaking role for the child or lives in a household with the child or, if an adult who lives in a household with the child cannot be located despite best efforts by the custody evaluator, documentation or a description of the custody evaluator's efforts to locate the adult and any information gained about the adult;

(C) an interview of the child, unless the custody evaluator determines and explains that by reason of age, disability, or lack of maturity, the child lacks capacity to be interviewed;

(D) a review of any relevant educational, medical, and legal records pertaining to the child;

(E) if feasible, observations of the child with each party, whenever possible in that party's household;

(F) contact with any high neutrality/low affiliation collateral sources of information, as determined by the assessor;

Committee note: "High neutrality/low affiliation" is a term of art that refers to impartial, objective collateral sources of

information. For example, in a custody contest in which the parties are taking opposing positions about whether the child needs to continue taking a certain medication, the child's treating doctor would be a high neutrality/low affiliation source, especially if the doctor had dealt with both parties.

(G) screening for intimate partner violence;

(H) factual findings about the needs of the child and the capacity of each party to meet the child's needs; and

(I) a custody and visitation recommendation based upon an analysis of the facts found or, if such a recommendation cannot be made, an explanation of why.

(2) Optional Elements - Generally

Subject to subsection (f)(4) of this Rule, at the discretion of the custody evaluator, a custody evaluation also may include:

(A) contact with collateral sources of information that are not high neutrality/low affiliation;

(B) a review of additional records;

(C) employment verification;

(D) a mental health evaluation;

(E) consultation with other experts to develop information that is beyond the scope of the evaluator's practice or area of expertise; and

(F) an investigation into any other relevant information about the child's needs.

(3) Elements of Specific Issue Evaluation

Subject to any protective order of the court, a specific issue evaluation may include any of the elements listed in subsections (f)(1)(A) through (G) and (f)(2) of this Rule. The specific issue evaluation shall include fact-finding pertaining to each issue identified by the court and, if requested by the court, a recommendation as to each.

(4) Optional Elements Requiring Court Approval

The custody evaluator or specific issue evaluation assessor may not include an optional element listed in subsection (f)(2)(D), (E), or (F) if any additional cost is to be assessed for the element unless, after notice to the parties and an opportunity to object, the court approved inclusion of the element.

(g) Order of Appointment

An order appointing or approving a person to ~~perform~~ conduct an assessment shall include:

(1) the name, business address, and telephone number of the person being appointed or approved;

(2) any provisions the court deems necessary to address the safety and protection of the parties, all children of the parties, any other children residing in the home of a party, and the person being appointed or approved;

(3) a description of the task or tasks the person being appointed or approved is to undertake;

(4) a provision concerning payment of any fee, expense, or charge, including a statement of any hourly rate that will be charged which, as to a court appointment, may not exceed the maximum rate established under section (n) of this Rule and, if applicable, a time estimate for the assessment;

(5) the term of the appointment or approval and any deadlines pertaining to the submission of reports to the parties and the court, including the dates of any pretrial or settlement conferences associated with the furnishing of reports;

(6) any restrictions upon the copying and distribution of reports, whether pursuant to this Rule, agreement of the parties, or entry of a separate protective order;

(7) as to a custody evaluation, whether a written report pursuant to subsection (i)(1)(B) of this Rule or an oral report on the record pursuant to subsection (i)(1)(A) of this Rule is required;

(8) as to a specific issue evaluation, each issue to be evaluated and whether a recommendation is requested as to each; and

(9) any other provisions the court deems necessary.

(h) Removal or Resignation of Person Appointed or Approved to
~~Perform~~ Conduct an Assessment

(1) Removal

The court may remove a person appointed or approved to
~~perform~~ conduct an assessment upon a showing of good cause.

(2) Resignation

A person appointed or approved to ~~perform~~ conduct an
assessment may resign prior to completing the assessment and
preparing a report pursuant to section (i) of this Rule only
upon a showing of good cause, notice to the parties, an
opportunity to be heard, and approval of the court.

(i) Report of Assessor

(1) Custody Evaluation Report

A custody evaluator shall prepare a report and provide
the parties access to the report in accordance with subsection
(i) (1) (A) or (i) (1) (B) of this Rule.

(A) Oral Report on the Record

If the court orders a pretrial or settlement
conference to be held at least 45 days before the scheduled
trial date or hearing at which the evaluation may be offered or
considered, and the order appointing or approving the custody
evaluator does not require a written report, the custody
evaluator may present the custody evaluation report orally to

the parties and the court on the record at the conference. The custody evaluator shall produce and provide to the court and parties at the conference a written list containing an adequate description of all documents reviewed in connection with the custody evaluation. If custody and access are not resolved at the conference, and no written report has been provided, the court shall (i) provide a transcript of the oral report to the parties free of charge and, if a copy of the transcript is prepared for the court's file, maintain that copy under seal, or (ii) direct the custody evaluator to prepare a written report and furnish it to the parties and the court in accordance with subsection (i)(1)(B) of this Rule. Absent the consent of the parties, the judge or magistrate who presides over a settlement conference at which an oral report is presented shall not preside over a hearing or trial on the merits of the custody dispute.

(B) Written Report Prepared by the Custody Evaluator

If an oral report is not prepared and presented pursuant to subsection (i)(1)(A) of this Rule, the custody evaluator shall prepare a written report of the custody evaluation and shall include in the report a list containing an adequate description of all documents reviewed in connection with the custody evaluation. The report shall be furnished to

the parties and to the court under seal at least 45 days before the scheduled trial date or hearing at which the evaluation may be offered or considered. The court may shorten or extend the time for good cause shown but the report shall be furnished to the parties no later than 15 days before the scheduled trial or hearing.

(2) Report of Specific Issue Evaluation

An assessor who ~~performed~~ conducted a specific issue evaluation shall prepare a written report that addresses each issue identified by the court in its order of appointment or approval and, if requested by the court, make a recommendation. The report shall be furnished to the parties and to the court, under seal, as soon as practicable after completion of the evaluation and, if a date is specified in the order of appointment or approval, by that date. The report shall include a list containing an adequate description of all documents reviewed in connection with the specific issue evaluation.

(3) Report of Home Study

Unless preparation of a written report is waived by the parties, an assessor who ~~performed~~ conducted a home study shall prepare a written report of the home study and furnish it to the parties and to the court under seal. The report shall be furnished as soon as practicable after completion of the home

study and, if a date is specified in the order of appointment or approval, by that date.

(4) Report of Mental Health Evaluation

An assessor who ~~performed~~ conducted a mental health evaluation shall prepare a written report. The report shall be made available to the parties solely for use in the case and shall be furnished to the court under seal. The report shall be made available and furnished as soon as practicable after completion of the evaluation and, if a date is specified in the order of appointment or approval, by that date.

Committee note: An assessor's written report submitted to the court in accordance with section (i) of this Rule shall be kept by the court under seal. The only access to these reports by a judge or magistrate shall be in accordance with subsections (k)(2) and (k)(3) of this Rule. Each circuit court, through MDEC, shall devise the means for keeping these reports under seal.

(j) Copying and Dissemination of Report

A party may copy a written report of an assessment or the transcript of an oral report prepared pursuant to subsection (i)(1)(A) of this Rule but, except as permitted by the court, shall not disseminate the report or transcript other than to individuals intended to be called as experts by the party.

Cross reference: See subsection (g)(6) of this Rule concerning the inclusion of restrictions on copying and distribution of reports in an order of appointment or approval of an assessor. See the Rules in Title 15, Chapter 200, concerning proceedings for contempt of court for violation of a court order.

(k) Court Access to Written Report

(1) Generally

Except as otherwise provided by this Rule, the court may receive access to a report by an individual appointed or approved by the court to ~~perform~~ conduct an assessment only if the report has been admitted into evidence at a hearing or trial in the case.

(2) Advance Access to Report by Stipulation of the Parties

Upon consent of the parties, the court may receive and read the assessor's report in advance of the hearing or trial.

(3) Access to Report by Settlement Judge or Magistrate

A judge or magistrate conducting a settlement conference shall have access to the assessor's report.

(1) Discovery

(1) Generally

Except as provided in this section, an individual who ~~performs~~ conducts an assessment under this Rule is subject to the Maryland Rules applicable to discovery in civil actions.

(2) Deposition of Court-Paid Assessor

Unless leave of court is obtained, any deposition of an assessor who is a court employee or is working under contract for the court and paid by the court shall: (A) be held at the courthouse where the action is pending or other court-approved location; (B) take place after the date on which an oral or

written report is presented to the parties; and (C) not exceed two hours, with the time to be divided equally between the parties.

(m) Testimony and Report of Assessor at Hearing or Trial

(1) Subpoena for Assessor

A party requesting the presence of the assessor at a hearing or trial shall subpoena the assessor no less than ten days before the hearing or trial.

(2) Admission of Report Into Evidence Without Presence of Assessor

The court may admit an assessor's report into evidence without the presence of the assessor, subject to objections based other than on the presence or absence of the assessor. If the assessor is present, a party may call the assessor for cross-examination.

Committee note: The admissibility of an assessor's report pursuant to subsection (m) (2) of this Rule does not preclude the court or a party from calling the assessor to testify as a witness at a hearing or trial.

(n) Fees

(1) Applicability

Section (n) of this Rule does not apply to a circuit court for a county in which all custody evaluations are ~~performed~~ conducted by court employees, free of charge to the litigants.

(2) Fee Schedules

Subject to the approval of the Chief Justice of the Supreme Court, the county administrative judge of each circuit court shall develop and adopt maximum fee schedules for custody evaluations. In developing the fee schedules, the county administrative judge shall take into account the availability of qualified individuals willing to provide custody evaluation services and the ability of litigants to pay for those services. A custody evaluator appointed by the court may not charge or accept a fee for custody evaluation services in that action in excess of the fee allowed by the applicable schedule. Violation of this subsection shall be cause for removal of the individual from all lists maintained pursuant to subsection (e)(1) of this Rule.

(3) Allocation of Fees and Expenses

As permitted by law, the court may order the parties or a party to pay the reasonable and necessary fees and expenses incurred by an individual appointed by the court to ~~perform~~ conduct an assessment in the case. The court may fairly allocate the reasonable and necessary fees of the assessment between or among the parties. In the event of the removal or resignation of an assessor, the court may consider the extent to which any fees already paid to the assessor should be returned.

Source: This Rule is new.