

HB 152 – Child Custody Evaluators
Sponsor Testimony: Delegate Aaron Kaufman
Thursday, January 23, 2025
House Judiciary Committee

Good afternoon Chair Clippinger, Vice Chair Bartlett and esteemed Judiciary Colleagues. I am Delegate Aaron Kaufman. I am asking for a favorable report on HB 152 – the Child Custody Evaluators bill. As you may remember, I brought this bill before the committee last session. In the interim, I have been working closely with my Senate cross-file, Senator Mary Beth Carozza, Delegate Charlotte Crutchfield and Judge Kathleen Dumais to work on the language of the bill and establish requirements for custody evaluators that we are all amenable to. I thank all of them for their time and efforts and appreciate all of their input into this bill.

This legislation is critical to ensuring that persons determining custody outcomes in cases of abuse, domestic, physical and sexual violence are well trained in these arenas. This legislation requires custody evaluators to complete 20 hours of initial training, and 15 hours every three years after that – thus aligning their training along the same line as the training that judges undergo. Judges rely heavily on the recommendations of child custody evaluators in custody proceedings. This training is paramount in order for evaluators to recognize signs of physical, sexual and emotional abuse, child neglect, trauma and its impact on children and parents, parental coercion and several other areas. This training and knowledge are crucial in order to decide the best outcomes for the safety of the children. This bill is about putting children FIRST.

You may hear from some other advocates about the issue of parental alienation. This is a disputed theory that is not recognized by the American

Psychiatric Association and is unrelated to this bill. Mental health professionals reject it as “junk science.”

Clearly, the current system regarding custody evaluations is not working – as the system has failed several families by putting parents and children in danger by requiring children to be in the presence of their abusers. I appreciate the efforts of the Maryland Judiciary and the training it provides; however, you will soon hear from advocates who have come to testify that the system is BROKEN. I feel that the updated requirements of Rule 9.205-3 are steps in the correct direction and putting the training requirements into law are a benefit to all Maryland families. It has not been articulated to me any harm if this is both codified in law and in the rule. There is precedent for what I am trying to do, given that the General Assembly passed the Judicial Training Bill a few years ago.

Judges rely heavily on the recommendation of custody evaluators in custody cases. 90 percent of recommendations on the outcomes of custody cases come from the child custody evaluators. In many cases a custody evaluator only has forensic evidence training but child custody evaluators need specific training on the issues of family violence, sexual and physical assault to be able to work directly with victims and look at cases through a special lens. It is vital that the evaluator have specific qualifications on the issue identified in the case and require the court as the entity to ensure that a custody evaluator has the qualifications necessary to be the evaluator for a specific case.

This bill had bi-partisan support in the 2024 legislative session, and by the same token I hope it will have bi-partisan support in this session.

Mr. Chair, Madam Vice Chair and members of the committee, I am urging a swift and favorable report on HB 152 to protect children and families who are

undergoing unspeakable trauma that they do not deserve. There is no harm in having language regarding this training both in statute and law. Thank you for your time. I am happy to take questions at this time.