



HB152 FWA Family Law – Child Custody Evaluators – Qualifications

To the Honorable members of the Judiciary Committee:

HB152 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.

HB152 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:



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(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,

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