

HOUSE JUDICIARY COMMITTEE

HOUSE BILL 137: FAMILY LAW—CHILD CUSTODY EVALUATORS—QUALIFICATIONS

DATE: JANUARY 29, 2026

POSITION: SUPPORT

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 House Bill 137, which would impose a set of qualifications on child custody evaluators, including the requirement that evaluators have demonstrated knowledge of and experience in disability-related issues.

DRM is involved in ongoing efforts through the Administrative Office of the Courts to ensure that court proceedings address the needs of participants with disabilities, particularly those with mental health or developmental disabilities.

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 a history of bias against parents with disabilities and additionally found 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. During the past year, DRM has participated in training court personnel and child custody evaluators and

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

² H.R. Rep. No. 485, Pt. 3 at 25.

DRM Testimony: House Bill 137

January 29, 2026

Page Two

is participating in judicially-led efforts to address these issues. Passage of House Bill 137 would reinforce these efforts. For these reasons, DRM supports House Bill 137.

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