

---

BILL NO: Senate Bill 355  
TITLE: Family Law – Custody Evaluators – Qualifications and Training  
COMMITTEE: Judicial Proceedings  
HEARING DATE: January 26, 2021  
POSITION: **SUPPORT**

---

Senate Bill 355 would move qualifications for custody evaluators in family law cases, from the Maryland Rules to the Code. While the Women’s Law Center appreciates the importance of maintaining rigorous qualifications for these evaluators in custody cases in the state, we recommend that work be done with the Judiciary to address the current Maryland Rule on custody evaluators.

Senate Bill 355 arises out of recommendations made by the Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations, constituted by statute in 2019. The Women’s Law Center was appointed to this Workgroup. The Workgroup worked tirelessly, and delved deeply into how domestic violence, child abuse, and child sex abuse effects children and families and how courts manage cases with such allegations. There were many professional experts who presented to the Workgroup. After over 18 months of meetings the recommendations were finalized. The conclusion of the Workgroup, generally, was that stakeholders in child custody proceedings, including custody evaluators used by the courts in these cases, need more education of newer research, and that courts are not carefully and fully considering evidence of harm to victims when making custody decisions in the best interests of the child.

SB 355 would require that a custody evaluator have a Master’s degree or equivalent, that evaluators have initial training of 60 hours and continuing training of 10 hours every two years. A host of other issues are included, such as an extensive list of topics that must be covered in the training. We do not know if 60 hours is a best practice recommendation by experts in the field of training evaluators, but recommend best practices be followed. We fully support the concept that custody evaluators, and indeed others involved in custody cases (judges and magistrates) be educated and informed on the current science and research on things such as ACEs, trauma and children’s responses to traumatic stress, and other issues laid out in the bill. We have been involved in all too many cases where evaluators seem to completely miss what is evident violence and resulting trauma in a family.

Currently, qualifications for a person to be a custody evaluator are contained in Maryland Rule 9.205.3 CUSTODY AND VISITATION-RELATED ASSESSMENTS. Other provisions are also addressed there. The benefit of having all of this in a rule rather than statute is that the Judiciary can change them as necessary. It is our understanding the Judiciary is having conversations with the Legislature and other decision-makers to address some of the recommendations from the Workgroup. It might be useful to let that play out, see of the Judiciary is going to adopt through the Rules any of the recommendations in this bill and others arising from the Workgroup. If the Judiciary decides not to Act, then it may be necessary to do this via statute.

Therefore, the Women’s Law Center of Maryland, Inc. supports Senate Bill 355.

*The Women’s Law Center of Maryland is a private, non-profit, legal services organization that serves as a leading voice for justice and fairness for women.*