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February 6th, 2024

The Honorable William C. Smith Jr.
Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
6 Blanden St
Annapolis, MD 21401

UNF Oppose – SB 365: Custody Evaluator Training

Dear Chairman Smith and Honorable Members of the JPR Committee:

I am writing as a licensed psychologist, researcher, and concerned social science professional regarding the precedent that would be set by the passing of SB 365.

I have been a licensed psychologist for 20 years. I am currently licensed in Texas, Florida, and Michigan and have also been approved for practice by the Association of State and Provincial Psychology Boards (ASPPB) to practice under the Psychology Interjurisdictional Compact (PSYPACT), an interstate agreement designed to facilitate the practice of telepsychology and temporary in-person, face-to-face practice of psychology across state lines. Maryland is a member of PSYPACT and thus, the laws passed in Maryland about the practice of psychology make me an invested stakeholder in these laws. As a licensed psychologist, 100% of my practice time has been in forensic evaluations, 95% of which in conducting family law evaluations. At last check, I had conducted over 400 court appointed family law evaluations. Prior to and simultaneous to this, I was a tenured professor at the University of Texas at Austin in our APA accredited Ph.D. program in Counseling Psychology. I was a professor there for 15 years. I taught courses in Ethical Conduct, Psychological Assessment and Forensic Psychology to our Ph.D. students. I also conducted research in child/caregiver attachment, trauma, and the development of severe personality disorders like Borderline Personality. Before retiring from the university to pursue full time forensic practice I had published over 30 blind peer reviewed professional articles. Recently, I became board certified by the American Board of Professional Psychology in forensic psychology – a very prestigious honor given to only a few hundred forensic psychologists in the country. Taken together, I am a science-driven, ethically sound,

board-certified forensic psychologist with extensive experience in conducting custody evaluations. It is from this informed place that I implore you to vote against this legislation.

I am in favor of passing laws that help custody evaluators do an ethical, empirically sound evaluation and I would agree with the critics of our work that there are too few properly trained custody evaluators willing to do this work. I would direct you to the Texas Family Code 107 laws that were passed in 2015 regarding who should conduct these evaluations and how they should be conducted: <https://statutes.capitol.texas.gov/Docs/FA/htm/FA.107.htm>. These were developed by mental health professionals who wanted to protect the public from professionals who enter this field without the proper training or expertise. They are comprehensive, sound, and broad enough to be able to apply to every kind of family we see in the family law system. They are based on best practices as defined by the mental health professional organizations pertaining to psychology, social work, and marriage and family therapists. They also outline scientifically sound protocols as defined by social science. I challenge anyone to find one biased sentence in this law favoring fathers, mothers, a specific sexual orientation, a specific religious orientation, a certain race, profession, political belief, or any other special interest. I will be the first to say that many of Texas laws are rife with the above biases, but not this one. I am not saying it is perfect. No law is, but it was written by the profession for the diverse consumers of the profession.

By contrast, SB 365 has clearly not been written this way. However, it could be salvaged with some changes made. These would include:

1. Removing the negative referenced to parental alienation
2. Psychological abuse and parent/child contact issues be added in various places to the bill
3. Expert witness list expanded as it should be according to the Daubert Standard
4. List of qualified instructors explained.

If the legislature wishes to enact more controls on custody evaluators, I would actually encourage that, provided those controls were based in science and best practice, not advocacy and bias. For example, the laws adopted by the State of Texas are a good start. I might also suggest that those conducting forensic evaluations abide by their national organization's ethics rules (APA, ACA, etc), as well as the Specialty Guidelines for Forensic Psychology, which are ethics created by Division 41 of the APA, American Psychology-Law Society, addressing the unique role of forensic work. In addition to requiring new evaluators to learn under the supervision of an experienced evaluator (as they do in Texas), I would require them to take the beginning weekend survey course in Forensic Psychology offered by the American Board of Forensic Psychology (ABFP) as well as any number of offerings on Family Law Evaluations offered by ABFB, the organization that represents the gold standard of forensic work.

Laws pertaining to the practice of any profession are supposed to protect all people who interface with that profession, not a select few and particularly not those with a personal, biased agenda. I urge the committee to vote against SB 365.

Sincerely,



Alissa Sherry, Ph.D., ABPP
Licensed Psychologist
Board Certified Forensic Psychologist