

UNFAVORABLE on SB0365

vince mcavoy baltimore maryland

Dear Senators of JPR,

As has been the case for each year this bill has been brought, I request you find this unfavorable once again. The details and history of how this bill arose, under which taskforce it came to be, that terrible bias and disingenuousness promoted during the taskforce as well as the taskforce not producing any real imperative to address issues related to custody evaluators all show that this bill is not needed and is not welcome.

Though always an unwelcome surprise to me when mediocre bills are regurgitated year after year at a cost of over \$1,500 per bill, I ask JPR members once again to reflect if this \$1,500 was well-spent or if such a bill is worthy of making your days longer (because no one has longer days than JPR's senators).

While there are a few minor differences in this year's bill, the statements made by **me and other opponents of the bill** over the last few years prevail. I have screen-capped key testimony so you needn't root through the .pdf's; however, I did provide the links below, should you wish to review the excerpts in context.

So rather than rehash what is already a closed issue, please see the link to my prior oral-testimony on the bill at JPR (as well as the rest of last year's hearing) and clips from the testimony from the Maryland Judiciary, a Parental Alienation researcher, and MedChi.

I urge an UNFavorable for this needless effort of SB0365.

humbly offered

~vince

<https://mgahouse.maryland.gov/mga/Play/e2bdf3cb77d84c22b789c3ca4430ddd11d?playFrom=3894000&popout=true>

https://mgaleg.maryland.gov/cmte_testimony/2022/jud/1weCCxNRWgzZSeThh0n86709HZnZOILkb.pdf

https://mgaleg.maryland.gov/cmte_testimony/2022/jpr/1sRxAMrkQpNtCehxzLcJYCMrb7I_oM8bO.pdf

https://mgaleg.maryland.gov/cmte_testimony/2022/jpr/14UB5yGmcVdsTltAkdn-V9zOiQ_H7Ksmu.pdf

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Joseph M. Getty
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 336
Family Law – Custody Evaluators – Qualifications and Training
DATE: January 26, 2022
(2/9)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 336. This bill would require all court-appointed or court-approved custody evaluators to have certain experience obtained through observation under clinical supervision or the performance of custody evaluations. Beginning October 1, 2023, custody evaluators must complete at least 20 hours of training on certain topics before appointed or approved by a court and complete at least 5 hours of continuing education and training every two years. The bill would also require courts to provide information about the role, availability, and cost of a custody evaluator in all contested child support, custody, and visitation cases and required custody evaluators provide parties written information regarding their policies, procedures, fees, and costs for the evaluation.

While the Judiciary supports measures that help ensure courts receive trustworthy and accurate assessment evidence, the Court of Appeals is in the best position to determine training and eligibility requirements for custody evaluators. Additionally, the bill is unnecessary in light of the work of the Custody Evaluator Standards & Training Workgroup of the Judicial Council’s Domestic Law Committee, which has been working to implement rule changes and other best practices that are intended to help increase the evidentiary value of custody evaluations and confidence that evaluations are conducted fairly.

The 209th Report of the Standing Committee on Rules of Practice and Procedure included proposed amendments to Maryland Rule 9-205.3 (governing custody evaluations and other related assessments), based on the workgroup’s recommendations.¹ The Court of Appeals adopted those amendments on January 27, 2022 and the rule will

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¹ The 209th report is available at <https://www.mdcourts.gov/sites/default/files/rules/reports/209threport.pdf>. The Court of Appeals held a hearing on the 209th Report on January 27, 2022 (see: <https://www.mdcourts.gov/sites/default/files/rules/notices/rulesnotice01272022.pdf>).

set new training requirements for custody and specific issue evaluators, require screening for intimate partner violence, require data collection from high neutrality/low affiliation collateral sources, and will clarify the purpose and use of specific issue evaluations. The Administrative Office of the Courts is collaborating with workgroup members and consultants to support a training program that will meet the guidelines referenced in the amendments to the rule.

purpose of appointing a custody evaluator is to provide expert professional assistance to courts in making difficult custody decisions. If one is needed in a case, the parties will be directed to each court's Differentiated Case Management plans, which currently incorporate custody and visitation-related assessments. In addition, there are jurisdictions that do not currently have custody evaluators who live or work in the jurisdiction, which complicates the information process. Finally, it is not in the courts' purview to investigate and provide the cost of a custody evaluator.

cc. Hon. Mary Beth Carozza
Judicial Council
Legislative Committee
Kelley O'Connor

SB336 UNFAVORABLE

Yaakov Aichenbaum

2/4/2022

To the Honorable Senators of the JPR:

I have already expressed my concern about all of the bills that were generated by the MD Workgroup to Study Child Custody Proceedings. The Workgroup was controlled by individuals who promote a gender biased agenda that is divorced from factual reality and scientific research. As a result, none of its recommendations can be taken seriously or on face value. This is not a question of a legitimate scientific debate as some might claim; rather, it is a question of a social agenda masquerading as science and using the vast resources of the domestic violence industry to capture media attention and to deceive well intended legislators into formulating legislation that will foster this social agenda.

SB336 has many concerning features. First, it proposes to train custody evaluators that parental alienation is junk science and that it should not be an admissible claim in custody cases. As you are hopefully well aware by now, this is false. This fact alone exposes the agenda of the formulators of this legislation (i.e. they are willing to discredit established science to promote their own cause) and thereby discredits the whole bill.

Second, it lowers the bar for the acceptance of DV allegations to a degree that will indict innocent people and tarnish their reputations for life, cause a proliferation of false abuse claims, and facilitate parental alienation. One example of the lowered standards is the acceptance of "child therapy and expressive arts." These controversial therapies are reminiscent of the "memory wars" of the 1990's as well as the famous McMartin Preschool trial. Another example is the clause on page 4 lines 4-6 "*that the lack of a finding of indicted child abuse or child sexual abuse by law enforcement or a local department does not mean that child abuse or child sexual abuse did not occur.*" This "shoot first ask questions later" approach essentially promotes treating a person as guilty until proven innocent. This is a significant challenge to the legal principle of presumption of innocence.

https://mgaleg.maryland.gov/cmtetestimony/2022/jpr/1sRxAMrkQpNtCehxzLcJYCMrb7I_oM8bO.pdf

DATE: February 9, 2022

RE: **OPPOSE** – Senate Bill 336 – *Family Law – Custody Evaluators – Qualifications and Training*

The Maryland State Medical Society (MedChi), the largest physician organization in Maryland, **opposes** Senate Bill 336.

Senate Bill 336 would set requirements beyond those already provided in current law as to who may serve as a court-appointed custody evaluator. The Maryland Rules provide qualifications for a person to serve as a custody evaluator, including having basic mediation training (Rule 17-205(a)) as well as specific training related to family matters, custody, visitation, child support, and other matters (Rule 9-205). More still, they must be licensed mental health providers and comply with the requirements of their field, including continuing education.

MedChi is concerned that these additional requirements would limit the pool of available candidates to serve as custody evaluators and exclude some professionals unnecessarily. This will work an even greater hardship in those parts of the State where mental health providers are already scarce.

For these reasons, MedChi opposes Senate Bill 336.

https://mgaleg.maryland.gov/cmte_testimony/2022/jpr/14UB5yGmcVdsTltAkdn-V9zOiQ_H7Ksmu.pdf