

HOUSE BILL 152

D4

(PRE-FILED)

5lr1486
CF SB 25

By: **Delegate Kaufman**

Requested: October 30, 2024

Introduced and read first time: January 8, 2025

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Child Custody Evaluators – Qualifications**

3 FOR the purpose of specifying certain qualifications for an individual to be appointed by a
4 court as a custody evaluator; and generally relating to child custody and visitation.

5 BY adding to

6 Article – Family Law

7 Section 9–109

8 Annotated Code of Maryland

9 (2019 Replacement Volume and 2023 Supplement)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
11 That the Laws of Maryland read as follows:

12 **Article – Family Law**

13 **9–109.**

14 **(A) IN THIS SECTION, “CUSTODY EVALUATOR” MEANS AN INDIVIDUAL**
15 **APPOINTED OR APPROVED BY A COURT TO PERFORM A CUSTODY EVALUATION.**

16 **(B) ON MOTION OF A PARTY OR CHILD’S COUNSEL, OR ON ITS OWN**
17 **INITIATIVE, A COURT MAY:**

18 **(1) ORDER AN ASSESSMENT TO AID THE COURT IN EVALUATING THE**
19 **HEALTH, SAFETY, AND WELFARE OR BEST INTERESTS OF A CHILD IN A CONTESTED**
20 **CUSTODY OR VISITATION CASE; OR**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2) APPOINT A CUSTODY EVALUATOR DETERMINED BY THE COURT TO BE COMPETENT TO PERFORM A HOME STUDY OR AN EVALUATION OF A SPECIFIC ISSUE.

(C) A COURT MAY NOT ORDER THE COST OF AN ASSESSMENT TO BE PAID, IN WHOLE OR IN PART, BY A PARTY WITHOUT GIVING THE PARTIES NOTICE AND AN OPPORTUNITY TO OBJECT.

(D) A COURT MAY NOT APPOINT AN INDIVIDUAL AS A CUSTODY EVALUATOR UNLESS THE INDIVIDUAL MEETS THE QUALIFICATIONS SPECIFIED IN SUBSECTIONS (E) AND (F) OF THIS SECTION.

(E) A CUSTODY EVALUATOR SHALL BE:

(1) A PHYSICIAN LICENSED IN ANY STATE WHO IS BOARD-CERTIFIED IN PSYCHIATRY OR HAS COMPLETED A PSYCHIATRY RESIDENCY ACCREDITED BY THE ACCREDITATION COUNCIL FOR GRADUATE MEDICAL EDUCATION OR A SUCCESSOR TO THAT COUNCIL;

(2) A MARYLAND LICENSED PSYCHOLOGIST OR A PSYCHOLOGIST WITH AN EQUIVALENT LEVEL OF LICENSURE IN ANY OTHER STATE;

(3) A MARYLAND LICENSED CLINICAL MARRIAGE AND FAMILY THERAPIST OR A CLINICAL MARRIAGE AND FAMILY THERAPIST WITH AN EQUIVALENT LEVEL OF LICENSURE IN ANY OTHER STATE;

(4) A MARYLAND LICENSED CERTIFIED SOCIAL WORKER-CLINICAL OR A CLINICAL SOCIAL WORKER WITH AN EQUIVALENT LEVEL OF LICENSURE IN ANY OTHER STATE;

(5) (I) A MARYLAND LICENSED GRADUATE OR MASTER SOCIAL WORKER WITH AT LEAST 2 YEARS OF EXPERIENCE IN:

1. ONE OR MORE OF THE AREAS LISTED IN SUBSECTION (F)(4) OF THIS SECTION;

2. PERFORMING CUSTODY EVALUATIONS; OR

3. ANY COMBINATION OF THE EXPERIENCE DESCRIBED IN ITEM 1 OR 2 OF THIS ITEM; OR

(II) A GRADUATE OR MASTER SOCIAL WORKER WITH AN EQUIVALENT LEVEL OF LICENSURE AND EXPERIENCE IN ANY OTHER STATE; OR

1 **(6) A MARYLAND LICENSED CLINICAL PROFESSIONAL COUNSELOR**
2 **OR A CLINICAL PROFESSIONAL COUNSELOR WITH AN EQUIVALENT LEVEL OF**
3 **LICENSURE IN ANY OTHER STATE.**

4 **(F) A CUSTODY EVALUATOR SHALL HAVE:**

5 **(1) COMPLETED A TRAINING PROGRAM THAT CONFORMS WITH**
6 **GUIDELINES ESTABLISHED BY THE ADMINISTRATIVE OFFICE OF THE COURTS;**

7 **(2) COMPLIED WITH THE CONTINUING EDUCATIONAL**
8 **REQUIREMENTS OF THE CUSTODY EVALUATOR'S FIELD;**

9 **(3) TRAINING OR EXPERIENCE IN OBSERVING OR PERFORMING**
10 **CUSTODY EVALUATIONS; AND**

11 **(4) CURRENT KNOWLEDGE AND EXPERIENCE IN DEALING WITH**
12 **ALLEGATIONS IN THE FOLLOWING AREAS:**

13 **(I) DOMESTIC VIOLENCE;**

14 **(II) CHILD NEGLECT AND ABUSE;**

15 **(III) TRAUMA AND ITS IMPACT ON CHILDREN AND ADULTS;**

16 **(IV) FAMILY CONFLICT AND DYNAMICS;**

17 **(V) CHILD AND ADULT DEVELOPMENT; AND**

18 **(VI) THE IMPACT OF DIVORCE AND SEPARATION ON CHILDREN**
19 **AND ADULTS.**

20 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July**
21 **1, 2025.**