

HOUSE BILL 405

D4
HB 285/23 – JUD

4lr1547
CF SB 365

By: **Delegates Kaufman, Allen, Arikan, Cullison, Ebersole, Foley, Grammer, Hill, Ivey, A. Johnson, J. Lewis, J. Long, McComas, Pasteur, Phillips, Rosenberg, Schmidt, Simmons, Simpson, Solomon, Stein, Taveras, Taylor, Toles, Turner, and Woods**

Introduced and read first time: January 18, 2024

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of specifying certain qualifications and training necessary for an
4 individual to be appointed or approved by a court as a custody evaluator; specifying
5 that certain expert evidence is admissible in certain child custody and visitation
6 proceedings under certain circumstances; and generally relating to child custody and
7 visitation.

8 BY repealing and reenacting, with amendments,
9 Article – Family Law
10 Section 9–101.1
11 Annotated Code of Maryland
12 (2019 Replacement Volume and 2023 Supplement)

13 BY adding to
14 Article – Family Law
15 Section 9–109
16 Annotated Code of Maryland
17 (2019 Replacement Volume and 2023 Supplement)

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

20 **Article – Family Law**

21 9–101.1.

22 (a) In this section, “abuse” has the meaning stated in § 4–501 of this article.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(b) In a custody or visitation proceeding, the court shall consider, when deciding custody or visitation issues, evidence of abuse by a party against:

(1) the other parent of the party's child;

(2) the party's spouse; or

(3) any child residing within the party's household, including a child other than the child who is the subject of the custody or visitation proceeding.

(c) If the court finds that a party has committed abuse against the other parent of the party's child, the party's spouse, or any child residing within the party's household, the court shall make arrangements for custody or visitation that best protect:

(1) the child who is the subject of the proceeding; and

(2) the victim of the abuse.

(D) IN A CHILD CUSTODY OR VISITATION PROCEEDING IN WHICH A PARENT IS ALLEGED TO HAVE COMMITTED ABUSE UNDER THIS SECTION, EXPERT EVIDENCE FROM A COURT-APPOINTED OR PARTY-RETAINED PROFESSIONAL RELATING TO THE ALLEGED ABUSE MAY BE ADMITTED ONLY IF THE PROFESSIONAL POSSESSES DEMONSTRATED EXPERTISE AND CLINICAL EXPERIENCE IN WORKING WITH VICTIMS OF ABUSE THAT IS NOT SOLELY FORENSIC IN NATURE.

9-109.

(A) IN THIS SECTION, "CUSTODY EVALUATOR" MEANS AN INDIVIDUAL APPOINTED OR APPROVED BY A COURT TO PERFORM A CUSTODY EVALUATION.

(B) A COURT MAY NOT APPOINT OR APPROVE AN INDIVIDUAL AS A CUSTODY EVALUATOR UNLESS THE INDIVIDUAL:

(1) IS:

(I) 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;

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

(III) A MARYLAND LICENSED CLINICAL MARRIAGE AND FAMILY

1 THERAPIST OR A CLINICAL MARRIAGE AND FAMILY THERAPIST WITH AN
2 EQUIVALENT LEVEL OF LICENSURE IN ANY OTHER STATE;

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

6 (V) 1. A MARYLAND LICENSED GRADUATE OR MASTER
7 SOCIAL WORKER WITH AT LEAST 2 YEARS OF EXPERIENCE IN ONE OR MORE OF THE
8 AREAS LISTED IN SUBSECTION (D)(1) OF THIS SECTION; OR

9 2. A GRADUATE OR MASTER SOCIAL WORKER WITH AN
10 EQUIVALENT LEVEL OF LICENSURE AND EXPERIENCE IN ANY OTHER STATE; OR

11 (VI) A MARYLAND LICENSED CLINICAL PROFESSIONAL
12 COUNSELOR OR A CLINICAL PROFESSIONAL COUNSELOR WITH AN EQUIVALENT
13 LEVEL OF LICENSURE IN ANY OTHER STATE; AND

14 (2) HAS TRAINING IN:

15 (I) CHILD GROWTH AND DEVELOPMENT;

16 (II) PSYCHOLOGICAL TESTING;

17 (III) PARENT—CHILD BONDING;

18 (IV) SCOPE OF PARENTING;

19 (V) ADULT DEVELOPMENT AND PSYCHOPATHOLOGY;

20 (VI) FAMILY FUNCTIONING; AND

21 (VII) CHILD AND FAMILY DEVELOPMENT.

22 (C) IF A COURT IDENTIFIES ONE OR MORE OF THE FOLLOWING ISSUES IN A
23 CUSTODY OR VISITATION PROCEEDING, THE COURT SHALL APPOINT A CUSTODY
24 EVALUATOR OR LICENSED HEALTH CARE PROVIDER WHO HAS EXPERIENCE,
25 EDUCATION, TRAINING, OR SUPERVISION IN THE SPECIFIC ISSUE IDENTIFIED:

26 (1) PHYSICAL, SEXUAL, OR PSYCHOLOGICAL ABUSE OF AN INTIMATE
27 PARTNER OR FORMER INTIMATE PARTNER;

28 (2) PHYSICAL, SEXUAL, OR PSYCHOLOGICAL ABUSE OF A CHILD;

(3) COERCIVE CONTROL;

(4) NEGLECT OF A CHILD;

(5) TRAUMA OR TOXIC STRESS;

(6) ALCOHOL OR SUBSTANCE ABUSE;

(7) MEDICAL, PHYSICAL, OR NEUROLOGICAL IMPAIRMENT THAT AFFECTS THE ABILITY TO EFFECTIVELY PARENT; OR

(8) ANY OTHER ISSUE RELEVANT TO A CUSTODY PROCEEDING THAT THE COURT DETERMINES REQUIRES SPECIFIC EXPERIENCE, EDUCATION, TRAINING, OR SUPERVISION.

(D) (1) BEGINNING OCTOBER 1, 2025, IN ADDITION TO MEETING THE REQUIREMENTS UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION AND COMPLYING WITH THE CONTINUING EDUCATIONAL REQUIREMENTS OF THE APPLICABLE FIELD, BEFORE APPOINTMENT OR APPROVAL BY A COURT AS A CUSTODY EVALUATOR, AN INDIVIDUAL MUST COMPLETE AT LEAST 20 HOURS OF INITIAL TRAINING AND NOT LESS THAN 15 HOURS OF TRAINING EVERY 3 YEARS THEREAFTER IN AREAS THAT FOCUS SOLELY ON DOMESTIC AND SEXUAL VIOLENCE AND CHILD ABUSE, INCLUDING:

(I) CHILD SEXUAL ABUSE;

(II) PHYSICAL ABUSE;

(III) EMOTIONAL ABUSE;

(IV) COERCIVE CONTROL;

(V) IMPLICIT AND EXPLICIT BIAS, INCLUDING BIASES RELATING TO DISABILITIES;

(VI) TRAUMA;

(VII) LONG- AND SHORT-TERM IMPACTS OF DOMESTIC VIOLENCE AND CHILD ABUSE ON CHILDREN; AND

(VIII) VICTIM AND PERPETRATOR BEHAVIOR PATTERNS AND RELATIONSHIP DYNAMICS WITHIN THE CYCLE OF VIOLENCE.

(2) THE TRAINING REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:

(I) BE PROVIDED BY:

1. A PROFESSIONAL WITH SUBSTANTIAL EXPERIENCE IN ASSISTING SURVIVORS OF DOMESTIC VIOLENCE OR CHILD ABUSE, INCLUDING A VICTIM SERVICE PROVIDER; AND

2. IF POSSIBLE, A SURVIVOR OF DOMESTIC VIOLENCE OR CHILD PHYSICAL OR SEXUAL ABUSE;

(II) RELY ON EVIDENCE-BASED RESEARCH BY RECOGNIZED EXPERTS IN THE TYPES OF ABUSE DESCRIBED IN ITEM (I) OF THIS PARAGRAPH;

(III) NOT INCLUDE THEORIES, CONCEPTS, OR BELIEF SYSTEMS UNSUPPORTED BY THE RESEARCH DESCRIBED IN ITEM (II) OF THIS PARAGRAPH; AND

(IV) BE DESIGNED TO IMPROVE THE ABILITY OF COURTS TO:

1. RECOGNIZE AND RESPOND TO CHILD PHYSICAL ABUSE, CHILD SEXUAL ABUSE, DOMESTIC VIOLENCE, AND TRAUMA IN VICTIMS, PARTICULARLY CHILDREN; AND

2. MAKE APPROPRIATE CUSTODY DECISIONS THAT PRIORITIZE SAFETY AND WELL-BEING AND ARE CULTURALLY SENSITIVE AND APPROPRIATE FOR DIVERSE COMMUNITIES.

(E) IN ANY ACTION IN WHICH CHILD SUPPORT, CUSTODY, OR VISITATION IS AT ISSUE, A COURT SHALL PROVIDE INFORMATION TO THE PARTIES REGARDING THE ROLE, AVAILABILITY, AND COST OF A CUSTODY EVALUATOR IN THE JURISDICTION.

(F) BEFORE ENGAGING IN THE CUSTODY EVALUATION PROCESS, A CUSTODY EVALUATOR SHALL PROVIDE, IN WRITING, INFORMATION REGARDING THE POLICIES, PROCEDURES, AND FEES AND COSTS FOR THE EVALUATION.

(G) THE ADMINISTRATIVE OFFICE OF THE COURTS MAY ADOPT PROCEDURES TO IMPLEMENT THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.