

# HOUSE BILL 1007

E2, D4

(9lr2143)

## ENROLLED BILL

— Appropriations/Judicial Proceedings —

Introduced by **Delegates Shetty, J. Lewis, Arian, Atterbeary, Carr, Cox, Dumais, W. Fisher, Hettleman, Hill, Luedtke, McComas, Moon, Solomon, Terrasa, and Wilkins**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

### 2 **Child Advocacy Centers – Expansion**

3 FOR the purpose of requiring the Governor’s Office of Crime Control and Prevention to  
4 ensure, ~~to the greatest extent practicable,~~ that every child in the State has access to  
5 a child advocacy center; requiring child advocacy centers to assist in the response to  
6 or investigation of certain offenses against children; authorizing child advocacy  
7 centers to assist in the response to or investigation of certain offenses against  
8 children; requiring child advocacy centers to provide a certain level of care; requiring  
9 the Governor’s Office of Crime Control and Prevention to contract with a certain  
10 organization that meets certain requirements to establish a Maryland Statewide  
11 Organization for Child Advocacy Centers; requiring the Maryland Statewide  
12 Organization for Child Advocacy Centers to establish certain standards for child  
13 advocacy centers; requiring money for child advocacy centers to be distributed in a

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber/conference committee amendments.*



1 certain manner by the Maryland Statewide Organization for Child Advocacy Centers  
 2 and the Governor's Office of Crime Control and Prevention; ~~authorizing requiring~~  
 3 ~~the Governor to include in the annual budget a certain appropriation beginning in a~~  
 4 ~~certain fiscal year;~~ altering the date that the Governor's Office of Crime Control and  
 5 Prevention is required to submit a certain annual report; adding child advocacy  
 6 centers to the list of agencies that are required to enter into a certain written  
 7 agreement that specifies standard operating procedures for certain child abuse and  
 8 neglect investigations and prosecutions; making clarifying and technical changes;  
 9 and generally relating to child advocacy centers.

10 BY repealing and reenacting, with amendments,

11 Article – Criminal Procedure  
 12 Section 11–923(h)  
 13 Annotated Code of Maryland  
 14 (2018 Replacement Volume)

15 BY repealing and reenacting, with amendments,

16 Article – Family Law  
 17 Section 5–706(f)  
 18 Annotated Code of Maryland  
 19 (2012 Replacement Volume and 2018 Supplement)

20 BY repealing and reenacting, without amendments,

21 Article – Family Law  
 22 Section 5–706(g)(1)  
 23 Annotated Code of Maryland  
 24 (2012 Replacement Volume and 2018 Supplement)

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

27 **Article – Criminal Procedure**

28 11–923.

29 [(h) (1)] **11–928.**

30 (A) The Governor's Office of Crime Control and Prevention shall establish and  
 31 sustain child advocacy centers in the State AND ~~TO THE GREATEST EXTENT~~  
 32 ~~PRACTICABLE,~~ ENSURE THAT EVERY CHILD IN THE STATE HAS ACCESS TO A CHILD  
 33 ADVOCACY CENTER.

34 [(2)] (B) The child advocacy centers:

1 [(i)] (1) may be based in private nonprofit organizations, local  
2 departments of social services, local law enforcement agencies, or a partnership among any  
3 of these entities;

4 [(ii)] (2) shall be developed and located to facilitate their use by  
5 alleged victims residing in the surrounding areas;

6 [(iii)] (3) shall [investigate] ASSIST IN THE RESPONSE TO OR  
7 INVESTIGATION OF allegations of sexual crimes against children UNDER TITLE 3,  
8 SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE and sexual abuse of minors UNDER §  
9 ~~3-602~~ TITLE 3, SUBTITLE 6 OF THE CRIMINAL LAW ARTICLE AND TITLE 5,  
10 SUBTITLE 7 OF THE FAMILY LAW ARTICLE;

11 (4) MAY ASSIST IN THE RESPONSE TO OR INVESTIGATION OF  
12 ALLEGATIONS OF CHILD ABUSE AND NEGLECT UNDER ~~§§ 3-601 AND 3-602.1~~ TITLE  
13 3, SUBTITLE 6 OF THE CRIMINAL LAW ARTICLE AND TITLE 5, SUBTITLE 7 OF THE  
14 FAMILY LAW ARTICLE AND ALLEGATIONS OF A CRIME OF VIOLENCE IN THE  
15 PRESENCE OF A MINOR UNDER § 3-601.1 OF THE CRIMINAL LAW ARTICLE;

16 [(iv)] (5) shall provide [or facilitate referrals to appropriate  
17 counseling, legal, medical, and advocacy services for victims] A LEVEL OF CARE THAT  
18 MEETS OR EXCEEDS THE NATIONAL ACCREDITATION STANDARDS FOR CHILD  
19 ADVOCACY CENTERS ESTABLISHED BY THE MARYLAND STATEWIDE ORGANIZATION  
20 FOR CHILD ADVOCACY CENTERS UNDER SUBSECTION (D) OF THIS SECTION; and

21 [(v)] (6) shall be included in all joint investigation procedures  
22 developed in accordance with § 5-706 of the Family Law Article.

23 [(3)] (C) The Governor's Office of Crime Control and Prevention may  
24 contract with public or private nonprofit organizations to operate child advocacy centers.

25 (D) (1) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND  
26 PREVENTION SHALL CONTRACT WITH A NONPROFIT ORGANIZATION THAT IS  
27 QUALIFIED UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE AND  
28 REPRESENTS URBAN, RURAL, AND SUBURBAN CHILD ADVOCACY CENTERS IN THE  
29 STATE TO ESTABLISH A MARYLAND STATEWIDE ORGANIZATION FOR CHILD  
30 ADVOCACY CENTERS.

31 (2) THE PURPOSE OF THE MARYLAND STATEWIDE ORGANIZATION  
32 FOR CHILD ADVOCACY CENTERS IS TO PROVIDE TRAINING, TECHNICAL  
33 ASSISTANCE, DATA COLLECTION, AND CAPACITY BUILDING TO MEET LOCAL, STATE,  
34 AND NATIONAL REQUIREMENTS FOR CHILD ADVOCACY CENTERS.

1           **(3) THE MARYLAND STATEWIDE ORGANIZATION FOR CHILD**  
 2 **ADVOCACY CENTERS SHALL ESTABLISH STANDARDS FOR CHILD ADVOCACY**  
 3 **CENTERS IN THE STATE THAT MEET NATIONAL ACCREDITATION STANDARDS FOR**  
 4 **CHILD ADVOCACY CENTERS AND SHALL INCLUDE:**

5                   **(I) MULTIDISCIPLINARY TEAMS THAT INCLUDE**  
 6 **REPRESENTATION FROM LAW ENFORCEMENT, PROSECUTORS, CHILD PROTECTIVE**  
 7 **SERVICES, THE MEDICAL AND MENTAL HEALTH FIELDS, AND VICTIM ADVOCACY;**

8                   **(II) CULTURAL COMPETENCY AND DIVERSITY;**

9                   **(III) FORENSIC INTERVIEWS THAT ARE NEUTRAL,**  
 10 **FACT-FINDING, AND AVOID DUPLICATIVE INTERVIEWING;**

11                   **(IV) VICTIM SUPPORT AND ADVOCACY FOR CHILDREN AND**  
 12 **CAREGIVERS, INCLUDING APPROPRIATE COUNSELING, LEGAL, AND MEDICAL**  
 13 **SERVICES OR REFERRALS;**

14                   **(V) MEDICAL EVALUATIONS;**

15                   **(VI) MENTAL HEALTH SERVICES;**

16                   **(VII) A FORMAL CASE REVIEW PROCESS;**

17                   **(VIII) A CASE TRACKING, MONITORING, AND OUTCOMES PROCESS;**

18                   **(IX) ORGANIZATIONAL CAPACITY;**

19                   **(X) CREATING A CHILD-FOCUSED SETTING THAT IS**  
 20 **COMFORTABLE, SAFE, AND PRIVATE; AND**

21                   **(XI) ANY ADDITIONAL NECESSARY STANDARDS.**

22                   ~~**(4) (E) (1) Money for child advocacy centers shall be as provided in**~~  
 23 ~~**the annual State budget and shall be used to supplement, but not supplant, money that the**~~  
 24 ~~**programs receive from other sources.**~~

25                   ~~**(2) (I) MONEY FOR CHILD ADVOCACY CENTERS SHALL BE**~~  
 26 ~~**DISTRIBUTED TO CHILD ADVOCACY CENTERS IN ACCORDANCE WITH A FORMULA**~~  
 27 ~~**AGREED ON BY THE MARYLAND STATEWIDE ORGANIZATION FOR CHILD ADVOCACY**~~  
 28 ~~**CENTERS AND THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION.**~~

~~(H) MONEY FOR CHILD ADVOCACY CENTERS MAY BE USED TO ASSIST CHILD ADVOCACY CENTERS IN MEETING THE STANDARDS UNDER SUBSECTION (D) OF THIS SECTION.~~

~~(3) EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, IN EACH FISCAL YEAR THE GOVERNOR MAY INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION FOR THE CHILD ADVOCACY CENTERS UNDER THIS SECTION.~~

~~(4) MONEY APPROPRIATED FOR THE CHILD ADVOCACY CENTERS SHALL BE USED TO SUPPLEMENT, NOT SUPPLANT, MONEY THAT THE PROGRAM RECEIVES FROM OTHER SOURCES.~~

~~(5) IN EACH FISCAL YEAR BEGINNING WITH FISCAL YEAR 2021, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL SUBMITTED TO THE GENERAL ASSEMBLY A GENERAL FUND APPROPRIATION FOR CHILD ADVOCACY CENTERS FUNDED UNDER THIS SECTION IN AN AMOUNT NOT LESS THAN THE APPROPRIATION MADE FOR THE CHILD ADVOCACY CENTERS IN THE IMMEDIATELY PRECEDING FISCAL YEAR, INCREASED BY NOT LESS THAN THE PERCENTAGE BY WHICH THE PROJECTED TOTAL GENERAL FUND REVENUES FOR THE UPCOMING FISCAL YEAR EXCEED THE REVISED ESTIMATE OF TOTAL GENERAL FUND REVENUES SUBMITTED BY THE BOARD OF REVENUE ESTIMATES TO THE GOVERNOR UNDER § 6-106(B) OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

(E) (1) MONEY FOR CHILD ADVOCACY CENTERS:

(1) SHALL BE DISTRIBUTED TO CHILD ADVOCACY CENTERS IN ACCORDANCE WITH A FORMULA AGREED ON BY THE MARYLAND STATEWIDE ORGANIZATION FOR CHILD ADVOCACY CENTERS AND THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION;

(2) SHALL BE USED TO SUPPLEMENT, NOT SUPPLANT, MONEY THAT THE PROGRAM RECEIVES FROM OTHER SOURCES; AND

(3) MAY BE USED TO ASSIST CHILD ADVOCACY CENTERS IN MEETING THE STANDARDS UNDER SUBSECTION (D) OF THIS SECTION.

~~(2) THE GOVERNOR SHALL APPROPRIATE AT LEAST \$300,000 IN THE ANNUAL BUDGET BILL FOR THE CHILD ADVOCACY CENTERS UNDER THIS SECTION.~~

~~(5) (F) On or before [January] JUNE 1 each year, the Governor's Office of Crime Control and Prevention shall submit an annual report, in accordance with § 2-1246 of the State Government Article, on child advocacy centers to the General Assembly.~~

1 5-706.

2 (f) The local department, the appropriate law enforcement agencies, the State's  
3 Attorney within each county and Baltimore City, the local department's office responsible  
4 for child care regulation, [and] the local health officer, **AND THE LOCAL CHILD ADVOCACY**  
5 **CENTER** shall enter into a written agreement that specifies standard operating procedures  
6 for the investigation under subsections (c) and (d) of this section and prosecution of reported  
7 cases of suspected abuse or neglect.

8 (g) (1) The agencies responsible for investigating reported cases of suspected  
9 sexual abuse, including the local department, the appropriate law enforcement agencies,  
10 and the local State's Attorney, shall implement a joint investigation procedure for  
11 conducting joint investigations of sexual abuse under subsections (c) and (d) of this section.

12 SECTION 2. AND BE IT FURTHER ENACTED, That all child advocacy centers  
13 established prior to the effective date of this Act shall, within 6 months of the effective date  
14 of this Act, implement demonstrable reforms in the child advocacy centers' policies and  
15 procedures to comply with Section 1 of this Act.

16 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 ~~October~~ July 1, 2019.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.