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Where hope and healing take root

January 30, 2023

The Honorable William Smith & Members of the Senate Judicial Proceedings Committee
Chairperson, Senate Judicial Proceedings Committee
11 Bladen Street
Annapolis, MD 21401

Dear Chairperson Smith and JPR Committee Members:

I write in support of SB21 – Person in Position of Authority – Sexual Offenses with a Minor. I am the Clinical Director of the Tree House Child Advocacy Center of Montgomery County, MD. I am a member of the Montgomery County Child Advocacy Center’s Multi Disciplinary Team and the Child Fatality Review Team for Montgomery County. I am certified to provide multiple evidence based trauma informed treatment modalities including Trauma Focused Cognitive Behavioral Therapy (TF-CBT) and Child and Family Traumatic Stress Intervention (CFTSI). I am also a trained forensic interviewer and have previously investigated allegations of child sexual abuse for Montgomery County Child Welfare Services.

Section 3-308 of the Maryland Criminal Law Article currently precludes certain individuals who are in a position of authority over a minor from engaging in sexual conduct with that minor. The current law, however, narrowly defines person in a position of authority. Specifically, a person in a position of authority is defined as: a person who is (i) is at least 21 years old; (ii) is employed by or under contract with a public or private preschool, elementary school, or secondary school; and (iii) because of the person's position or occupation, exercises supervision over a minor who attends the school; and (2) includes a principal, vice principal, teacher, coach, or school counselor at a public or private preschool, elementary school, or secondary school.

I believe not including persons in authority who are independently employed in this law creates a loophole that allows for ongoing abuse and exploitation of older teens. Sixteen and 17 year old children are a particularly vulnerable segment of the population in that they are often allowed the opportunity for increased independence which results in less supervision and oversight. Also, 16 and 17 year olds often feel they know better than their parents and that their parents couldn’t possibly understand their feelings or difficult situations in which they find themselves, all of which is developmentally appropriate.

When a teenager is involved with an extracurricular activity, it is most likely something they’re interested in and have chosen to pursue despite it not being required, taking away time in their day that they could be spending with friends or online or doing basically anything else, and being logistically more complicated (eg needing transportation to/from, costing additional money, etc).

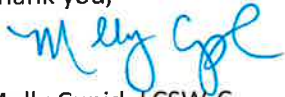
Additionally, by being self-employed, the coaches/teachers/leaders of such activities can avoid background checks that would be required if they were to teach as part of an institution such as Montgomery County Public Schools.

Because these children are voluntarily engaging in these activities with these adults, it can be argued that these adults are, in fact, more influential authority figures than teachers at school with whom teens are required to interact. Older teens, especially, may view these relationships as outside of the usual adult-child relationship making them more open to accepting abusive and exploitative advances and believing they are capable of consenting despite the power imbalance inherent in these relationships.

If these adults are included in the law as persons in authority, it would provide legal recourse to protect the children in our community from predators who exploit the law and our children for their own selfish motives.

I strongly urge this committee to approve SB21.

Thank you,



Molly Cupid, LCSW-C

Clinical Director

The Tree House CAC of Montgomery County, MD