

Unfavorable SB 195

Juveniles – Arrest by Law Enforcement – Report to Local Department of Social
Testimony of Aubrey Edwards-Luce, Esq., MSW
Tuesday, February 13, 2024
Senate Judicial Proceedings Committee

Senator Smith, Vice-Chair Waldstreicher and Members of the Committee:

I am the Executive Director of the Sayra and Neil Meyerhoff Center for Families, Children and the Courts (CFCC) at the University of Baltimore School of Law. CFCC envisions communities where children and families thrive without unnecessary involvement in the legal system. We engage communities in all that we do to work towards transforming systems that create barriers to family well-being. I am also a resident of Prince George's County, Maryland and **I urge you to oppose SB195.**

SB195 would require law enforcement to make a referral to the Department of Social Services (DSS) for the purpose of a neglect investigation after the first arrest of a child under the age of 13 or after first arrest of any child for an offense involving a firearm or on the second arrest of any child. While we applaud bill's intention to connect children and their families to additional resources and community supports, we firmly believe that SB195 would exacerbate systemic issues and perpetuate harm and decrease public safety.

An investigation of neglect will create more trauma for families and children and have a negative impact on public safety and child wellbeing. Child abuse and neglect investigations are structured identically. Both are intrusive inquiries into family life and often traumatizing and humiliating to children.¹ They are more akin to the punitive and extractive investigation of law enforcement than the collaborative examinations one might experience at doctor's office. The investigation itself can cause children to question their parent's competency and authority at the very moment that they need to be receptive to sound parental direction and discipline.

Children are less likely to commit offenses when caring adults invest time in them. SB195 will harm parents' ability to help children change their behavior because it will increase parental stress and reduce the amount of time that parents can invest in their children. Neglect investigations, subsequent court hearings, and court ordered services are stressful and can devour many hours of parents' time—time that they could be spending supervising, supporting, and deepening their bonds with their children.

Pushing arrested children towards DSS will likely exacerbate racial disproportionalities in Maryland's foster care system. Maryland's Black children enter foster care at twice the rate of their White counterparts.² This inequity is due systemic and personal biases in the investigation process and the conflation of neglect and poverty by child protection workers. Maryland is one of the country's 23 states that "do not specifically exempt financial inability to provide for a child from their definitions of child maltreatment."³ As a result, many children end up in Maryland's foster care system because of family poverty.

Traumatized children who are separated from their caregivers are susceptible to being pulled into behaviors that harm themselves and their communities. For the above reasons, **I urge you to oppose SB195.**

¹ See e.g. HINA NAVEED, HUMAN RIGHTS WATCH, IF I WASN'T POOR, I WOULDN'T BE UNFIT: THE FAMILY SEPARATION CRISIS IN THE US CHILD WELFARE SYSTEM 63 (Nov. 17, 2022) available at <https://www.hrw.org/report/2022/11/17/if-i-wasnt-poor-i-wouldnt-be-unfit/family-separation-crisis-us-child-welfare> ("A caseworker visited the children's school and pulled them from class to question them, came to the home unannounced, and randomly strip searched the children, ages 1, 4, 7, 9, and 10, to check their bodies for signs of abuse. Adaline said these visits were so frightening for her children that her youngest child began screaming every time she saw anyone with a badge.")

² CHILDREN'S BUREAU, STATE-SPECIFIC FOSTER CARE DATA 2021, (2023) available at <https://www.acf.hhs.gov/cb/report/state-foster-care-data-2021>.

³ Sarah Catherine Williams, Reva Dalela, & Sharon Vandivere, In Defining Maltreatment, Nearly Half of States Do Not Specifically Exempt Families' Financial Inability to Provide, (Feb 2022) available at <https://www.childtrends.org/blog/in-defining-maltreatment-nearly-half-of-states-do-not-specifically-exempt-families-financial-inability-to-provide>