

# THE COALITION TO PROTECT MARYLAND'S CHILDREN

*Our Mission: To combine and amplify the power of organizations and citizens working together to keep children safe from abuse and neglect. We strive to secure the budgetary and public policy resources to make meaningful and measurable improvements in safety, permanence, and well-being.*

Testimony before the House Judiciary Committee  
House Bill 644 Family Law – Caretaker Bill of Rights  
February 15, 2024  
**\*\*OPPOSE\*\***

The Coalition to Protect Maryland's Children (CPMC) is a consortium of Maryland organizations and individuals formed in 1996 to promote meaningful child welfare reform. CPMC **opposes** passage of House Bill 644.<sup>1</sup>

This bill would require the local department of social services or a law enforcement agency to provide certain notice to a parent or caretaker of a child at a certain time during an investigation of suspected child abuse or neglect and exclude evidence obtained in violation of this Act from being used in certain judicial or administrative proceedings.

### **Child's Safety is Paramount**

While a parent's right to the "care, custody, and control" of their children is constitutionally protected, this right can be infringed upon if necessary for the protection of a child.<sup>2</sup> Child protection laws were enacted to ensure the safety of children, and "[t]he State of Maryland has a *parens patriae* 'interest in caring for those, such as minors, who cannot care for themselves' and 'the child's welfare is a consideration that is of transcendent importance when the child might . . . be in jeopardy.'"<sup>3</sup> Hence, when balancing the competing constitutional interests of the parent with the interests of the child, **the best interest of the child takes precedence.**<sup>4</sup>

### **Delayed Investigatory Processes and Implementing Criminal Standards for Investigations Place Children in Danger**

This bill undermines the best interests of the child by providing cumbersome, unreasonable and delayed investigatory processes to protect children who may be in danger. Family Law Article §5-709 of the Annotated Code of Maryland is sufficient to ensure that children are protected when there is suspicion of maltreatment. Expanding the current law to include the recommendations of the proposed bill will undermine the State's ability to protect children. Moreover, local departments provide notice to parents and caregivers when investigating allegations of abuse and neglect. Additionally, the proposed bill seeks to institute standards analogous to criminal protections, such as excluding any evidence in a judicial or administrative proceeding that is obtained during an investigation that fails to meet the requirements of the proposed bill. Passing this bill will place children in a vulnerable position and undermine the purpose for the implementation of child protection laws. **For these reasons, we urge this Committee to issue an unfavorable report.**

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<sup>1</sup> Members of CMPC who oppose this bill include Child Justice, Center for Hope, The Franklin Law Group, P.C., National Association of Social Workers - MD, Timothy Briceland-Betts, and Diana Philip.

<sup>2</sup> *Troxel v. Granville*, 530 U.S. 57, 66 (2000); *In re Adoption/Guardianship of C.E.*, 464 Md. 26 (2019).

<sup>3</sup> *In re Mark M.*, 365 Md. 687, 705-06 (2001).

<sup>4</sup> *Boswell v. Boswell*, 352 Md. at 219 (1998).