

February 25, 2024

HB644, Family Law – Caretaker Bill of Rights will pose a risk to the safety of vulnerable children. The bill would require the local department of social services or a law enforcement agency to provide notice to a parent or caretaker of a child at a certain time during an investigation of suspected child maltreatment, and exclude evidence obtained in violation of this Act from being used in certain judicial or administrative hearings. The bill does not grant new rights for caretakers, but requires Child Protective Services investigators to frame existing rights in a manner resembling a criminal investigation.

The history of child protection in the United States shows children were once considered possessions of their parents rather than human beings deserving of protection in their own right. Until child protection laws were enacted in the 1960's, the social norm that "what happened in the family stayed in the family" took precedence over children's safety. Measures that can delay investigations as well as imposing criminal standards on child protective services investigations would set child protection back years and imperil children.

The witnesses at the hearing grossly misrepresented how a child protective services investigation is conducted; the description was more reminiscent of a made for TV Lifetime Channel movie than what happens in real life. While it's true that anybody can make a child protective services report, local departments use a screening tool to determine whether a report meets the standard for investigation. Once accepted, current Maryland law stipulates that the "local department or appropriate law enforcement...shall see the child... (and) decide on the safety of the child, and of other children in the household" within 24 hours when abuse is alleged, and 5 days for neglect or mental injury. Neglect is easy to minimize, although data shows that children die more often of neglect than abuse. Delays of days or weeks can make the difference between life and death.

The bill indicates that exercising the rights prescribed by the bill may result in the investigator filing a petition to remove a child from the home. However, separating a child from their family should **never** be threatened as the consequence for failing to cooperate unless there's a

provable safety risk to the child. But without being able to conduct the investigation, the risk to the child can't be assessed. Removals for lack of cooperation will be about erring on the safe side, not based on a risk and safety assessment nor failed efforts to preserve the family. That damages children.

Moreover, neither "parent" nor "caretaker" are defined in the bill. Which parent? The parent who answers the door? Or both parents? The parent about whom allegations are made, or the other parent? What will CPS's responsibility be to find missing parents?

Caretaker? Does that include daycare providers, teachers, coaches and babysitters when maltreatment by an alternative caretaker is reported? Who will be required to sign the document? The child's parent or the alleged maltreater? How will that decision be made and enforced? Will the investigation of a child living with kin require parental signature or only the caretaker relative when both will be interviewed?

Finally, HB644 proposes evidence about a child's maltreatment be excluded if the "investigator fails to comply with any provision of this subsection," the equivalent of turning a blind eye to damaged children. In truth an investigator's failure to comply is entirely unrelated to whether a child is at risk of harm. Compromising children's safety because the investigator made a mistake is tantamount to punishing the child, not the investigator.

To summarize, HB644 is a bill that expands no new rights to parents, but imposes a criminal-like standard for investigating child maltreatment reminiscent of a time when children were merely chattel of their parents, not separate humans deserving of safety and protection in their own right. Delays will cause harm.