

Chapter 51

(Senate Bill 739)

AN ACT concerning

Child Advocacy Centers – Expansion

FOR the purpose of requiring the Governor's Office of Crime Control and Prevention to ensure, ~~to the greatest extent practicable,~~ that every child in the State has access to a child advocacy center; requiring child advocacy centers to assist in the response to or investigation of certain offenses against children; authorizing child advocacy centers to assist in the response to or investigation of certain offenses against children; requiring child advocacy centers to provide a certain level of care; requiring the Governor's Office of Crime Control and Prevention to contract with a certain organization that meets certain requirements to establish a Maryland Statewide Organization for Child Advocacy Centers; requiring the Maryland Statewide Organization for Child Advocacy Centers to establish certain standards for child advocacy centers; requiring money for child advocacy centers to be distributed in a certain manner by the Maryland Statewide Organization for Child Advocacy Centers and the Governor's Office of Crime Control and Prevention; ~~authorizing the Governor to include in the annual budget a certain appropriation beginning in a certain fiscal year;~~ altering the date that the Governor's Office of Crime Control and Prevention is required to submit a certain annual report; adding child advocacy centers to the list of agencies that are required to enter into a certain written agreement that specifies standard operating procedures for certain child abuse and neglect investigations and prosecutions; making clarifying and technical changes; and generally relating to child advocacy centers.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–923(h)
Annotated Code of Maryland
(2018 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 5–706(f)
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,
Article – Family Law
Section 5–706(g)(1)
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

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

Article – Criminal Procedure

11–923.

[(h) (1)] 11–928.

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

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

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

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

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

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

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

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

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

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

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

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

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

(II) CULTURAL COMPETENCY AND DIVERSITY;

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

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

(V) MEDICAL EVALUATIONS;

(VI) MENTAL HEALTH SERVICES;

(VII) A FORMAL CASE REVIEW PROCESS;

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

(IX) ORGANIZATIONAL CAPACITY;

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

(XI) ANY ADDITIONAL NECESSARY STANDARDS.

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

~~(2) (i) MONEY FOR CHILD ADVOCACY CENTERS 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.~~

~~(ii) 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) 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.

[(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.

Article – Family Law

5-706.

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

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

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

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

Approved by the Governor, April 18, 2019.