

Department of Legislative Services  
Maryland General Assembly  
2023 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 324  
Judiciary

(Delegate Lopez)

---

Child Abuse and Neglect - Domestic Violence

---

This bill establishes, in statutory provisions that govern child in need of assistance (CINA) proceedings and the reporting and investigation of suspected child abuse and neglect, a rebuttable presumption that neglect does not include the failure of a victim of domestic violence to take specified actions. Specifically, there is a rebuttable presumption that neglect does not include a victim of domestic violence failing to (1) prevent a child from witnessing domestic violence; (2) leave the home in which the alleged perpetrator resides; (3) end a relationship with the alleged perpetrator; (4) report the domestic violence to law enforcement or the local department of social services; or (5) seek an order of protection against the alleged perpetrator. Unless the rebuttable presumption is overcome, a juvenile court may not give any weight to evidence that a victim of domestic violence has not taken the aforementioned actions when assessing the totality of the circumstances in determining whether a child is a CINA.

---

Fiscal Summary

**State Effect:** The bill is not anticipated to materially affect State finances or operations.

**Local Effect:** The bill is not anticipated to materially affect local government finances or operations.

**Small Business Effect:** None.

---

## Analysis

**Current Law:** A CINA is a child who requires court intervention because (1) the child has been abused or neglected, has a developmental disability, or has a mental disorder and (2) the child's parents, guardian, or custodian are unable or unwilling to give proper care and attention to the child and the child's needs. Neglect means the leaving of a child unattended or other failure to give proper care and attention to a child by any parent or individual who has permanent or temporary care or custody or responsibility for supervision of the child under circumstances that indicate (1) that the child's health or welfare is harmed or placed at substantial risk of harm or (2) that the child has suffered mental injury or has been placed at substantial risk of mental injury. Statutory provisions outline numerous requirements for CINA proceedings.

Title 5, Subtitle 7 of the Family Law Article generally sets forth requirements regarding the mandatory reporting of suspected child abuse and neglect and the investigatory process once a report has been made. The applicable definition of neglect is the same as that used in CINA proceedings, as shown above.

---

### Additional Information

**Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** None.

**Information Source(s):** Montgomery County; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of Human Services; Department of Legislative Services

**Fiscal Note History:** First Reader - February 7, 2023  
rh/lgc

---

Analysis by: Jennifer K. Botts

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510