

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 508
Judiciary

(Delegate Embry, *et al.*)

Judicial Proceedings

Children - Labor Trafficking

This bill alters, in statutory provisions that govern child in need of assistance (CINA) proceedings and the reporting and investigation of suspected child abuse and neglect, the definition of “abuse” to include “labor trafficking” of a child by any individual. The bill also expands statutory provisions related to the Safe Harbor Regional Navigator Grant Program to apply to child victims of labor trafficking. “Labor trafficking” means knowingly (1) taking, placing, harboring, persuading, inducing, or enticing a child by force, fraud, or coercion to provide services or labor or (2) receiving a benefit or thing of value from the provision of services or labor by a child that was induced by force, fraud, or coercion.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State operations or finances, as discussed below.

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

Small Business Effect: None.

Analysis

Bill Summary/Current Law:

Child In Need of Assistance Proceedings – Generally

Under 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. Statutory provisions outline numerous requirements for CINA proceedings.

Under current law, for purposes of CINA-related matters, "abuse" means (1) sexual abuse of a child, whether a physical injury is sustained or not or (2) physical or mental injury of a child under circumstances that indicate that the child's health or welfare is harmed or is at substantial risk of being harmed by either a household or family member *or* a parent or other individual who has permanent or temporary care or custody or responsibility for supervision of the child. The bill alters the definition of abuse as it relates to CINA proceedings to include labor trafficking of a child by any individual.

Definition of "Abuse" in Title 5, Subtitle 7 of the Family Law Article

Title 5, Subtitle 7 of the Family Law Article generally defines abuse as the physical or mental injury of a child under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed by a parent; household member or family member; person who has permanent or temporary care or custody of the child; person who has responsibility for supervision of the child; or person who, because of the person's position or occupation, exercises authority over the child. Abuse also means the sexual abuse of a child, whether or not physical injuries are sustained. The bill adds labor trafficking to the definition of abuse, thereby extending applicability of the provisions discussed below to suspected labor trafficking of a child.

Mandatory Reporting of Suspected Child Abuse and Neglect – Generally

Mandatory Reporters: Under Title 5, Subtitle 7 of the Family Law Article, health care practitioners, police officers, educators, and human service workers who are acting in a professional capacity, and who have reason to believe that a child has been subjected to abuse or neglect must notify the local department of social services or the appropriate law enforcement agency. An "educator or human service worker" includes any teacher, counselor, social worker, caseworker, and parole or probation officer. If the worker is acting as a staff member of a hospital, public health agency, child care institution, juvenile detention center, school, or similar institution, then the individual must notify the head of the institution or the designee.

Reporting by Other Individuals: Although the term "mandatory reporters" refers only to individuals who must report suspected child abuse or neglect because of their professional capacity, State law generally requires all individuals to report suspected child abuse and neglect.

Child Abuse and Neglect Investigations – Generally

Generally, under current law, after receiving a report of suspected abuse or neglect of a child who lives in Maryland that is alleged to have occurred in the State, the local department of social services and/or the appropriate law enforcement agency must promptly and thoroughly investigate the report to protect the health, safety, and welfare of the child or children. Within 24 hours after receiving a report of suspected physical or sexual child abuse, and within five days after receiving a report of suspected child neglect or mental injury, the local department or law enforcement agency must (1) see the child; (2) attempt to have an on-site interview with the child’s caretaker; (3) decide on the safety of the child and of other children in the household; and (4) decide on the safety of the other children in the care or custody of the alleged abuser. The determinations and assessments that are required during an abuse or neglect investigation are specified in statute. The local State’s Attorney must assist in the investigations if requested to do so by a local department of social services.

Statute includes additional requirements in regard to the investigations, including the timeframe by which investigations must be completed and findings reported to the local State’s Attorney. Reports of child abuse and neglect may also be referred for an alternative response in specified circumstances. An “alternative response” means a component of the child protective services program that provides for a comprehensive assessment of (1) risk of harm to the child; (2) risk of subsequent child abuse or neglect; (3) family strengths and needs; and (4) the provision of or referral for necessary services. An alternative response does not include an investigation or a formal determination as to whether child abuse or neglect has occurred. Only a low-risk report of abuse or neglect may be considered for an alternative response. Statutory provisions also set forth procedures for an alternative response, including timeframes by which assessments and written reports must be completed.

Safe Harbor Regional Navigator Grant Program

Referrals: Under current law, a local department that receives a report of suspected abuse or neglect involving a child who is a suspected victim of sex trafficking must refer the child to any appropriate regional navigator, as defined by the Safe Harbor Regional Navigator Grant Program.

Under the bill, local departments must make the same referral for a child who is a suspected victim of labor trafficking.

Program Operations: The Safe Harbor Regional Navigator Grant Program supports services for youth victims of sex trafficking by (1) creating and sustaining projects to provide services for youth victims of sex trafficking that are victim-centered and

trauma-informed; (2) facilitating and coordinating among specified entities that respond to youth victims of sex trafficking; (3) ensuring that youth victims of sex trafficking have access to specified services; (4) increasing the State’s capacity to respond to youth sex trafficking; and (5) training providers to appropriately identify and serve youth victims of sex trafficking.

The bill generally expands the purpose of the program to incorporate serving youth victims of labor trafficking and makes conforming changes in statutory provisions regarding program operations and evaluation/reporting requirements. The bill also establishes that services coordinated and provided by program grantees must include housing.

State Fiscal Effect: The bill is not anticipated to materially affect the operations or finances of the Judiciary, the Department of Human Services, or the Office of the Public Defender. Although the bill expands the purposes of the Safe Harbor Regional Navigator Grant Program to include serving victims of labor trafficking, the bill does not directly require additional State grant funding to be provided specifically for this purpose.

Additional Information

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

Designated Cross File: SB 550 (Senator Sydnor) - Judicial Proceedings.

Information Source(s): Montgomery County; Governor’s Office; Governor’s Office of Crime Prevention and Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Human Services; Department of Legislative Services

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Analysis by: Amanda L. Douglas

Direct Inquiries to:

(410) 946-5510

(301) 970-5510