

SUSAN C. LEE
Legislative District 16
Montgomery County

MAJORITY WHIP

Judicial Proceedings Committee

Joint Committee on
Cybersecurity, Information Technology,
and Biotechnology

Chair Emeritus
Maryland Legislative Asian American
and Pacific Islander Caucus

President Emeritus
Women Legislators of the
Maryland General Assembly, Inc.



James Senate Office Building
11 Bladen Street, Room 223
Annapolis, Maryland 21401
410-841-3124 · 301-858-3124
800-492-7122 Ext. 3124
Susan.Lee@senate.state.md.us

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

February 13, 2020

Senate Judicial Proceedings Committee

**Senate Bill 482 - Criminal Procedure - Out of Court Statements of Child
Victims - Child Neglect**

Senate Bill 482 is an addition to the hearsay exception for criminal child neglect. There is already an exception for child abuse, however, not for child neglect. Mandated reporters already have to report neglect, but unlike child abuse, the testimony of the reporters about the out of court statement the child made is not admissible. SB 482 is a logical narrow fix for the tender years expectation, to add criminal neglect of children under 13. This hearsay exception is a critical tool in the State's prosecution of individuals who abuse young children.

When children speak at forensic interviews, we don't want to require them to repeat their traumatic experience at court when not essential. We have heard examples all around the state where this would be helpful. There are many other states that already have this protection, which is determined trustworthy at a pretrial hearing. The child is subjected to cross-examination, but the finder of fact would get the full picture. They can be easily intimidated in court and the victim's memories are stronger closer in time to the precipitating event.

The Montgomery County State's Attorney's Office has an example of a neglect case when nine children were left in a van for two days during winter. The children were afraid of their mother and while they described the full account to the social workers in a safe, child-friendly environment, they were unable to testify in front of their mother in court. SB 482 would have allowed their statements to the social worker to be admitted into evidence, and helped to protect these children from their mother's dangerous neglectful behavior.

For these reasons, I respectfully request a favorable report on SB 482.