

# THE COALITION TO PROTECT MARYLAND'S CHILDREN

*Our Mission: To combine and amplify the power of organizations and citizens working together to keep children safe from abuse and neglect. We strive to secure the budgetary and public policy resources to make meaningful and measurable improvements in safety, permanence, and well-being.*

## Testimony before the Senate Judicial Proceedings Committee Bill #SB 280: Interim and Temporary Protective Orders – Electronic Filing and Video Conferencing Hearings

February 8, 2022

The Coalition to Protect Maryland's Children (CPMC) is a consortium of Maryland organizations and individuals formed in 1996 to promote meaningful child welfare reform. CPMC **supports** passage of SB 280: Interim and Temporary Protective Orders – Electronic Filing and Video Conferencing Hearings.

Senate Bill 280 is about safety, it is about victims, and it is about improving our systems to be victim-centered and trauma-informed. SB 280 significantly improves access to safety for victims that seek medical attention in a hospital setting and are eligible for a protective order. All victims eligible for a protective order including victims of child physical or sexual abuse, sexual assault, abused vulnerable adults, and victims of domestic violence benefit from SB 280. Enabling victims and survivors to electronically petition for a protective order from a hospital removes the tremendous barrier of needing to physically appear at a courthouse to file a petition and complete the required *ex parte* initial hearings.

Health care professionals at hospitals already screen for domestic violence, treat children with injuries from physical abuse, and perform forensic medical exams for victims of sexual abuse and assault. They are mandated reporters of child abuse and abuse of vulnerable adults. Yet under current law, a victim or caregiver must leave the safety of the hospital and the professionals available to them in the hospital setting to obtain the safety a protection order offers. A victim of domestic violence or sexual assault may lack the necessary transportation to the courthouse, may be too unwell to physically go to a courthouse, or may be still experiencing the trauma that required medical care. The abuser might be sitting in the waiting room. Under current law, caregivers of abused children may need to spend hours away from their child to file a petition and complete the hearings. Electronic petitions would enable parents to spend more time where they are most needed; comforting their children and helping them heal.

Only 34% of people who are injured by intimate partners receive medical care for their injuries.<sup>1</sup> Yet in a study of femicide, 41% of victims had sought health care for physical injury or mental health issues before they were killed by their intimate partner.<sup>2</sup> In 2020, there were 56 individuals in Maryland that lost their lives due to domestic violence. This is the highest number of domestic violence deaths in five years. Leaving an abusive relationship is also the most dangerous time for a victim of domestic violence. These statistics highlight the critical role that healthcare settings play in identifying domestic violence and assisting victims before they are re-injured or even worse, killed. Children with significant abusive injuries are often brought to the emergency department for treatment and may require hospitalization for injury management. Hospitals can be stressful places for young

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<sup>1</sup> <https://ncadv.org/learn/statistics>

<sup>2</sup> Phyllis W. Sharps, Jane Koziol-McLain, Jacquelyn Campbell, Judith McFarlane, Carolyn Sachs, Xiao Xu, Health Care Providers' Missed Opportunities for Preventing Femicide, Preventive Medicine, Volume 33, Issue 5, 2001, Pages 373-380, <https://doi.org/10.1006/pmed.2001.0902>.

children, but parental presence can ease that stress.

The concept of filing a protective order electronically is not new. Ten years ago, the Hospital to Court Domestic Violence Safety to Assistance Project was created in New Jersey to permit victims of domestic violence to petition from hospitals and conduct hearings with the court over the phone or via video conferencing.<sup>3</sup> New York launched their Domestic Violence Online Petition Program as a pilot program in 2013.<sup>4</sup> Those working with an advocate, agency, or legal services can petition electronically from any location and request a remote hearing.<sup>5</sup> Indiana allows pro se litigants to petition electronically on their own behalf for protective orders.<sup>6</sup> West Virginia,<sup>7</sup> California<sup>8</sup>, Washington, D.C.<sup>9</sup> and other states have leveraged the lessons learned during the pandemic to improve victim access to courts and orders of protection.

The technology currently exists in Maryland courthouses; they have conducted virtual hearings throughout the pandemic. It is therefore no longer necessary to require a victim or caregiver to travel to a courthouse and risk their own or their child's safety and well-being to obtain a protective order. Maryland must remove barriers to victim safety and SB 280 is one crucial step in that process. For the above stated reasons, we urge a favorable committee report with sponsor amendments on SB 280.

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<sup>3</sup> [https://www.njcourts.gov/forms/11478\\_hosp crt dv broch.pdf](https://www.njcourts.gov/forms/11478_hosp crt dv broch.pdf)

<sup>4</sup> [DV Online Petition Fact Sheet.pdf \(courtinnovation.org\)](#)

<sup>5</sup> [Family Offense Petition Program - Family Justice/DV \(probono.net\)](#); [Filing a Family Offense Petition | NY CourtHelp \(nycourts.gov\)](#)

<sup>6</sup> [Protection Order Registry - Protection Order Registry E-File Service Provider \(in.gov\)](#)

<sup>7</sup> [Supreme Court Announces New Remote Technology Project to Promote Access and Safety in Domestic Violence and Sexual Assault Cases \(courtsww.gov\)](#)

<sup>8</sup> [Governor Newsom Signs Rubio Bill Allowing Victims to Use Remote Technology As They Seek Protection From Abusers | Senator Susan Rubio \(ca.gov\)](#)

<sup>9</sup> [Remote Court Procedures Can Help Domestic Abuse Victims - Law360](#)