

2022 - SB20 - Criminal Procedure - Out of Court St

Uploaded by: Adam Rosenberg

Position: FAV

A LIFE BRIDGE HEALTH GROUP

CENTER FOR HOPE

Advancing hope, healing and resilience



SB20 Criminal Procedure – Out of Court Statements – Child Victims and Witnesses

Senate Judicial Proceedings Committee – February 1, 2022

Testimony of Adam Rosenberg, Executive Director, Center for Hope

Position: **SUPPORT**

Center for Hope writes in support of SB20 which would help the court to admit into evidence in criminal cases out of court statements made by a child victim of abuse, assault, or criminal neglect as well as a child who witnessed a crime of violence (such as homicide or a shooting) as defined by Criminal Law 14-101. The bill helps admit into evidence statements made to trained forensic interviewers and other professionals while humanely reducing the trauma of repeated questioning by different, and often unskilled, interviewers. It would extend current law to cover additional criminal instances that have equal impact on child victims and witnesses.

Center for Hope, a subsidiary of LifeBridge Health, helps clients heal from incidents of violence such as child abuse, domestic violence, community gun violence and elder abuse through integrated, evidence-based programs that extend beyond hospital walls. Center for Hope provides trauma-informed crisis intervention, forensic interviews, medical exams, mental health, wraparound case management, family advocacy and workforce development services. Center for Hope now includes the Baltimore Child Abuse Center, the state's oldest and largest child advocacy center, as well as two domestic violence programs, and two Safe Streets sites. Child advocacy centers engage multidisciplinary teams of experts to respond to allegations of child abuse as defined in Md. Cts and Jud Proc §11-928. Trained forensic interviewers are critical parts of that team working directly with children who have been victims of child abuse, including sexual assault and trafficking, and criminal neglect cases. Forensic interviewers are trained to ask neutral open-ended questions to elicit narrative responses in the victim's own words. Our interview team, trained in our nationally accepted Forensic Interview Toolbox protocol, obtain a definitive response in over 90% of the interviews conducted thereby increasing reliable investigations and reducing future child trauma.

Center for Hope's Forensic Interview Research and Education program was created to engage in forensic interview research and educates forensic interviewers and other professionals nationally on how to obtain both reliable and exhaustive information from children and adults. Our program teaches best practices from a multi-disciplinary collaborative, culturally competent, research and trauma informed perspective. We give professionals the tools and resources necessary to maintain a high level of practice in the field and to transition competently and confidently to the courtroom.

Increasingly, as our partners in law enforcement and prosecution have seen the consistent and reliable results of our forensic interview program, they have turned to our team to provide them with interview support for children who witnessed equally traumatic events such as homicide, domestic violence, shootings, and carjackings. Children who have witnessed such traumatic events are impacted equally as they are when they are victims themselves. They are often unable to process what they experienced and fail to have the capacity to appropriately relate what they saw. These same partners have come to greatly appreciate not just the forensic interview, but the supportive

and trauma informed approach and setting that our child advocacy center affords these vulnerable child witnesses.

Under current Maryland's "tender years" exception to the hearsay rule, out of court statements made to a forensic interviewer and other trained professionals, may be admissible in court proceedings for certain child abuse cases. As the Adverse Childhood Experiences Study, and complementary Philadelphia Urban ACE Study has demonstrated, children are equally traumatized and impacted by other forms of violence or witness to violence as well. This bill logically extends that law to include criminal child neglect cases and acts of violence as defined by Criminal Law 14-101.

We urge a favorable report on SB20.

Adam Rosenberg, Esq., Executive Director, Center for Hope

arosenberg@lifebridgehealth.org

(410) 601-HOPE

Martha D. Nathanson, Esq., Vice President, Government Relations & Community Development, LifeBridge Health

mnathans@lifebridgehealth.org

443-286-4812

WDC Testimony HB122-2022_FINAL.pdf

Uploaded by: Beth Tomasello

Position: FAV



MONTGOMERY COUNTY, MARYLAND
WOMEN'S DEMOCRATIC CLUB

P.O. Box 34047, Bethesda, MD 20827

www.womensdemocraticclub.org

**House Bill 0122 – Criminal Procedure – Expungement of Records – Expansion
House Judiciary Committee – Feb. 1, 2022 at 1pm
SUPPORT**

Thank you for this opportunity to submit written testimony concerning an important priority of the **Montgomery County Women's Democratic Club (WDC)** for the 2022 legislative session. WDC is one of Maryland's largest and most active Democratic Clubs with hundreds of politically active women and men, including many elected officials.

WDC urges the passage of **HB0122**. This bill will expand the scope of automatic expungements of certain police and court records to include cases resolved through "probation before judgment" and "stet" if all court-ordered provisions have been satisfied.

Expunging records of low-level offenses helps people charged with low-level crimes and will help affected people qualify for housing, loans, government assistance and jobs. People whose cases are resolved through "probation before judgment" and "stet" are not convicted of crimes. Having a police record generally makes life harder for them and for the families who depend upon them.

In the name of justice, we must clear people of unimportant criminal records. Maryland has for too long penalized people for being poor, creating *de facto* debtors' prisons, and trapping many in a vicious cycle where the smallest interaction with the criminal justice system becomes a life sentence. According to the National Women's Law Center, 9.4% of women in Maryland live in poverty, with 24.3% of female-headed households in Maryland living below the poverty line. We must remove unjust barriers for men and women that prevent them from supporting their families and perpetuate the cycle of poverty in over-policed and over-incarcerated communities.

These policies and practices also disproportionately affect people of color and their communities. According to a 2019 report from The Sentencing Project, Maryland's Black population accounts for 30%, but they account for 70+% of state prisoners. Latinos account for 4% of the population, and 10% of the prison population. There is every reason to believe that the same kind of bias exists in charging low-level offenses.

Automatically removing obstacles to living one's life is a critical piece of building a just and equitable society.

We ask for your support for HB0122 and strongly urge a favorable Committee report.

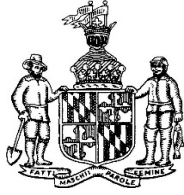
Respectfully,

Leslie Milano
President

Feinstein Letter of Support SB20.pdf

Uploaded by: Debbie Feinstein

Position: FAV



STATE'S ATTORNEY
JOHN J. MCCARTHY

State's Attorney for Montgomery County

50 Maryland Avenue
Rockville, Maryland 20850

240-777-7300
FAX 240-777-7413
WWW.MONTGOMERYCOUNTYMD.GOV/SAO

DEPUTY STATE'S ATTORNEYS
PETER A. FEENEY
RYAN S. WECHSLER

January 28, 2022

The Honorable William C. Smith, Jr.
Chairperson, Senate Judicial Proceedings Committee
101 House Office Building
6 Bladen Street
Annapolis, MD 21401

Dear Chairperson Smith:

I write in support of SB20—Criminal Procedure—Out of Court Statements—Child Victims and Witnesses. I am the Chief of the Special Victims Division for the Montgomery County State's Attorney's Office, Chair of the Montgomery County Domestic Violence Coordinating Council, and a member of the Tree House Child Advocacy Center multidisciplinary team. My division prosecutes child abuse, child neglect, domestic violence, human trafficking, sexual assault, and vulnerable adult abuse cases, as well as any homicides associated with any of those crimes.

Criminal Procedure Article, Section 11-304 currently sets forth a specific statutory scheme for the admissibility of reliable out-of-court statements made by child abuse victims who are under the age of thirteen. The statute requires that the child make the statement to either a physician, social worker, teacher, or therapist. Before the State can introduce the out-of-court statement at trial, the State must notify the defendant of its intent to introduce the statement at trial. The defendant is entitled to depose the statement-taker. The Court then holds a pretrial hearing to determine if the statement is trustworthy. At trial, the child must testify and be subject to cross examination. The statement-taker then testifies, and the State offers the child's out of court statement as substantive evidence.

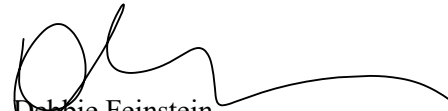
SB20 proposes extending the hearsay exception in section 11-304 to statements made by (1) child victims of neglect, and (2) child victims of, and witnesses to, crimes of violence as defined by Section 14-101 of the Criminal Law Article. The remainder of the statutory scheme would remain the same. Specifically, the child victim or witness must testify at trial for this hearsay exception to apply. Moreover, the addition of child witnesses only applies in criminal cases. The exception for child victims and witnesses to crimes of violence does not apply in civil child in need of assistance cases.

The reasons that support the current 11-304 exceptions apply to statements made by child victims of, and witnesses to, other crimes. The purpose of the statute is to allow the Court to admit trustworthy statements into evidence so that the finder of fact—judge or jury—can have the best evidence of the events relating to the criminal charges. Statements made by children under the age of thirteen in a safe environment, to a trusted adult, and close in time to the commission of the crime or the initial disclosure, carry indicia of reliability. The perpetrator is not in the room, and the purpose of the statement is typically for medical treatment or support purposes, or is gathered by a forensic interviewer, who is trained to ask nonleading questions in a structured and evidence-based manner. These indicia of reliability do not change based on the nature of the crime or whether the child is a victim or witness.

As noted above, before the Court admits any statement under this statutory scheme, the Court must first determine that the statement is trustworthy. The current statutory scheme includes thirteen factors that the Court may consider when making this determination. These factors include whether the child had any motive to fabricate, the inner consistency and coherence of the statement, whether the statement was suggested by the use of leading questions, the child's personal knowledge, and the timing of the statement. These factors provide a layer of protection to the defendant by creating a scheme to exclude unreliable statements, even when those statements are made to a social worker, medical professional, teacher, or therapist.

By passing SB20, the General Assembly will provide greater access to justice for those most vulnerable in our community. I urge a favorable report on SB20.

Sincerely,

A handwritten signature in black ink, appearing to read 'Debbie Feinstein', with a long horizontal flourish extending to the right.

Debbie Feinstein
Chief, Special Victims Division
Senior Assistant State's Attorney

SB20 Written Testimony (J. Garth) NF - Signed.pdf

Uploaded by: Jessica Garth

Position: FAV

AISHA N. BRAVEBOY
STATE'S ATTORNEY



JASON B. ABBOTT
PRINCIPAL DEPUTY STATE'S ATTORNEY

State's Attorney for Prince George's County
14735 Main Street, Suite M3403
Upper Marlboro, Maryland 20772
301-952-3500

February 1, 2022

Testimony in **Support** of

SB 20 – Criminal Procedure – Out of Court Statements – Child Victims

Dear Chairman Smith and members of the Judicial Proceedings Committee, I am writing to express my strong support for Senate Bill 20 on behalf of State's Attorney Aisha Braveboy and the Maryland State's Attorney Association. Passage of SB20 would provide for additional protections for children whose testimony is needed for court, helping to reduce the trauma that these children are already facing.

Under current Maryland law, Criminal Procedure (CP) 11-304 allows for certain interviews of child victims to be admitted into evidence. CP 11-304 provides for several safeguards to guarantee the trustworthiness of these statements. The child victim must be under the age of thirteen (13), the statement must have been given to a person specified under the statute (for example, a social worker), and the child must still testify if the proceeding is in the criminal or juvenile court. Additionally, the court must "examine" the child to make specific findings of guarantees of trustworthiness in the statement.

The proposed SB20 simply serves to expand the types of crimes that would allow for these statements to be admitted into evidence. The need for this expansion is clear. Adverse Childhood Experiences (ACES) that children experience has lasting impact on their lives, even into adulthood. ACES include instances not only where the child was the victim, but where the child witnessed violence, such as domestic violence in the home. Witnesses to violence are often forced to repeatedly explain what they observed, over and over – to responding officers, to detectives, to medical personnel, and to prosecutors. Forcing a child to relive trauma that we know has ongoing adverse effects is cruel and unnecessary. This bill serves to expand the protections that we already provide to some child victims to a broader number of children who have experienced or witnessed violence, while still ensuring a level of trustworthiness.

Unfortunately, sometimes children are the only witnesses to some of the most serious crimes that our communities face. SB20 helps to protect these children from reliving that trauma again and again, while still providing a mechanism for these types of cases to move forward. For the foregoing reasons, I respectfully urge a favorable report on SB20.

Thank you,



Jessica L. Garth
Special Victims & Family Violence Unit, Chief

Support Senate Bill 20 Out of Court Statements.pdf

Uploaded by: Kathryn Marsh

Position: FAV



ANTHONY B. COVINGTON

State's Attorney for Charles County

January 28, 2022

Maryland Senate Judicial Proceedings Committee
William C. Smith, Jr., *Chair*
Miller Senate Office Building, 2 East Wing
11 Bladen St., Annapolis, MD 21401 – 1991

Re: Favorable Report for Senate Bill 20

Dear Chairman Smith and Members of the Committee:

The trauma (Adverse Childhood Experiences (ACES)) children experience impact every part of the child's life to include their physical health as adults. There have been numerous published medical studies on ACES, the impact on health and what can be done to help reduce these longterm impacts. ACES include child abuse, witnessing domestic violence in the home, witnessing a homicide and more. Reducing trauma is one thing the courts can and should do when it comes to child victims and witnesses. Every time we question a child and make the child relive the trauma it re-traumatizes the child. This legislature and courts all over the country, under the *Daubert* standard, have recognized the inherent reliability and admissibility of properly conducted forensic interviews of children in child abuse cases (Criminal Procedure 11-304).

"A forensic interview of a child is a developmentally sensitive and legally sound method of gathering factual information regarding allegations of abuse or exposure to violence." "Vj ku' b gy qf 'tgeqi pk gu'vj cv' echildren don't just experience trauma if they are physically or sexually abused. They are traumatized when they are neglected by their caregiver or witness homicides and serious domestic violence in the home. Ensuring that our traumatized children have a proper forensic interview conducted by a certified forensic interviewer will help reduce the trauma the child experiences immediately after the event. Hwtj gt. 'r ermitting the courts to admit these'cffkkqpcnforensic interviews."cu'vj g{ 'f q'kpvtxky u'qh'ej kf tgp'y j q'ctg'r j { ulecm{ " qt'ugzwcm{ 'cdwugf. will further help to reduce that trauma.

Etlo kpcnRtqegf vtg"33/526'eqo gu'y kj "o cp{ 'uchgi wctf u'hqt 'c'etlo kpcn'f ghpf cpv."v'kpenxf g'vj g'ej kf " o wu'dg"34"qt" { qwpi gt. 'vj g'cdkxk{ 'v'f gr qug'vj g'hqtpule'kpvtxky gt'cpf 'tgs wtkpi 'vj g'ej kf "v'gukh{ 'cv'v'kcr0 Cf o kuukdkxk{ 'qh'vj g'hqtpule'kpvtxky 'ku'wnko cvgn{ 'f vgtg to kpgf "d{ 'vj g'Eqwtv'chgt 'y gki j kpi 'cmhcevtu0"Vj ku" dkn'o gtgn{ "gzr cpf u"33/526'kp"cp'gzvgo gn{ 'hko kvgf "o cppgt'vj cv'y knj gn "t'gf weg'vj g'vcwo c'qh'qwt" { qwpi guv' xlvko u'cpf 'y kpguugu0

I urge a favorable return of this bill.

Thank you,

K.A. Marsh

Kathryn A. Marsh

Special Victims Liaison, Assistant State's Attorney

1. CHRIS NEWLIN, LINDA CORDISCO STEELE, ANDRA CHAMBERLIN, JENNIFER ANDERSON, JULIE KENNISTON, AMY RUSSELL, HEATHER STEWART & VIOLA VAUGHAN-EDEN, OJJDP, CHILD FORENSIC INTERVIEWING: BEST PRACTICES 5 (Sept. 2015), <https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/pubs/248749.pdf> [<https://perma.cc/UD7PJU7Y>].



ANTHONY B. COVINGTON

State's Attorney for Charles County

SB 21 - Womens Law Center - FAV.docx.pdf

Uploaded by: Laure Ruth

Position: FAV

BILL NO: Senate Bill 20
TITLE: Criminal Procedure – Out of Court Statements – Child Victims
COMMITTEE: Judicial Proceedings
HEARING DATE: February 1, 2022
POSITION: **FAVORABLE**

Senate Bill 21 would expand the statutory evidentiary hearsay exception for out of court statements made by children up to age 13, if certain indicia of honesty and reliability are present. The Women's Law Center supports this bill as a reasonable expansion of the existing law on children's out of court statements.

Generally out of court statements made to prove the truth of the matter asserted are not admissible in a trial. However, there are hearsay exceptions, and SB 21 would expand an existing exception. Under current law, in what is sometimes called the "tender years" exception, a statement by a child under 13 may be admitted as an exception the hearsay rules if the child is the victim, if the child is alleged to be in need of assistance, and if the court case is about certain limited types of cases. The out of court statement made by a child victim may be admissible only if the statement was made to and is offered by specified individuals, including physicians, nurses, teachers, or social workers, while the individual was acting lawfully in the course of the person's profession. These statements are considered to have guarantees of trustworthiness and are therefore allowed in as evidence, after careful procedural considerations are followed by the court.

SB 21 would expand when certain statements can be admitted under the hearsay exception, to include (1) a statement made by a child victim who is younger than age 13 and is the alleged victim, or the child alleged to be in need of assistance in a case before the court concerning neglect of a minor and (2) a statement made by a child victim who is younger than age 13 and is the alleged victim *or a witness* in a case before the court concerning a crime of violence under § 14-101 of the Criminal Law Article. Thus, the bill expands in which crimes being prosecuted these statements would be allowed in and it expands the law to include statements by child witnesses. We have clients who are seriously abused in front of their children. We think allowing an out of court statement made by that child to one of the statutorily designated people should be allowed in under a hearsay exception. It would reduce the need for that child to have to come to court and testify about what must have been a traumatizing experience. It has the same existing indicia of reliability that is under current law, the same procedural safeguards would remain, and is a modest expansion to create laws that are trauma informed for our youngest citizens.

Therefore, the Women's Law Center of Maryland, Inc. urges a favorable report on Senate Bill 21.

The Women's Law Center of Maryland is a private, non-profit, legal services organization that serves as a leading voice for justice and fairness for women.

vsab_supportltr_outofcourtstatementschildvictims_s

Uploaded by: Leslie Frey

Position: FAV



VICTIM SERVICES ADVISORY BOARD

February 1, 2022

The Honorable William C. Smith, Jr.
Chair, Senate Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, Maryland 21401

Re: Support – SB20 – Criminal Procedure – Out of Court Statements – Child Victims

Dear Chairman Smith:

SB20 authorizes the court to admit into evidence in certain criminal proceedings specific out of court statements made by a child currently under the age of 13 years and a victim or witness in a case concerning a crime of violence, subject to particular requirements. This bill extends the tender heart doctrine currently applied in child abuse, sexual abuse, rape and attempted rape cases to also include all crimes of violence defined in Maryland Criminal Law Code Subsection 14-101. A child would be allowed to give a statement to an adult, such as a counselor, when talking about abuse and/or witnessing a crime of violence. That statement could be used in court rather than requiring the child to testify.

The Montgomery County Victim Services Advisory Board (VSAB) advises the County Council and County Executive on assisting the needs of victims of a broad range of violent crimes, including rape, domestic violence, sexual assault, human trafficking, robbery, armed carjacking and murder. The number of violent crime cases referred to Montgomery County HHS Trauma Services increased 91% in one year when comparing 2019 and 2020 intake data. The demand for help continued to grow in 2021, and the severity of cases became more critical, with an increase in homicides, domestic violence, sexual violence, and more reports of strangulations. In 2021, the County experienced a record number of more than 27 homicides. Sadly, children are often the victims of these crimes or have witnessed these crimes.

Policy improvements to minimize the adverse psychological consequences for child witnesses must be considered. The risk of re-traumatizing or further traumatizing children by requiring them to appear in court, termed “the second injury” by counselors, should be avoided. This is particularly a concern when the violence occurs in the child’s home or is committed by an individual related to the child. The goal in these situations should be to protect the child from unnecessary stress and trauma by providing a safe place, away from perpetrators, to describe what they witnessed. SB20 is a vast improvement for protecting the rights of child victims and witnesses.

VSAB asks the committee to issue a favorable report on Senate Bill 20.

Sincerely,

Kathryn Pontzer
VSAB Co-Chair

Department of Health and Human Services

FI Testimony SB20.pdf

Uploaded by: Sara Kulow-Malave

Position: FAV



January 28, 2022

Senator Susan Lee
11 Bladen Street
Annapolis, MD 21401

Dear Senator Lee:

I am writing in support of SB20- Criminal Procedure – Out of Court Statements – Child and Vulnerable Adult Victims. My name is Sara Kulow-Malavé and I am the former dedicated forensic interviewer for The Tree House Child Advocacy Center of Montgomery County, MD. As a clinical social worker and specially trained forensic interviewer, I am frequently called upon to testify in criminal court cases involving child sexual and physical abuse regarding statements made to me by a child during the course of a forensic interview. The new statute would expand the hearsay exception to include victims of child neglect, vulnerable adult abuse, and victims of/witnesses to crimes of violence.

As a specially trained forensic interviewer, I also meet with alleged victims of child neglect and child witnesses to violent crimes. I have interviewed vulnerable adults who may be victims of abuse and/or neglect as well. The statements made during a forensic interview of a vulnerable adult and/or an alleged victim of child neglect or witness to a violent crime should be included in the already existing 11-304 tender years hearsay exception to crimes.

Forensic interviewers receive extensive, specialized training in one or more nationally accredited forensic interview protocols. Forensic interviewers must participate in on going peer review and continuing education within the field of child maltreatment. All forensic interviews, regardless of the protocol used, are specifically designed to elicit reliable information from a child or vulnerable adult about an event or events they may have experienced and/or possibly witnessed. Although referred to by different names, each protocol follows the same basic semi-structured process, uses developmentally sensitive language and focuses on using open ended, non-leading questions. All forensic interview protocols can be modified to account for developmental and/or cognitive challenges such as allowing the alleged victim/witness additional time to answer questions and breaking questions down into smaller parts.

A significant portion of training for forensic interviews is focused on structuring questions so that they are not suggestive. Open ended questions invite the alleged victim to discuss the allegations in a narrative fashion. This reduces suggestibility and inaccurate information. Leading questions, on other hand, suggest the answer to the alleged victim and, therefore, are unreliable. All interview protocols include instructions for the alleged victim. For example, one rule is that we only talk about events that truly happened. Another rule is that the alleged victim or witness must correct the interviewer if he/she/they get information wrong. This is another technique used to reduce suggestibility and/or false information. Forensic interviews can be used to aide law enforcement and child protective services during the course of an investigation. The interview can assess for safety concerns for the alleged victim or witness and substantiate or rule out abuse and/or neglect. Although forensic interviewers consult with law enforcement and child protective services during the interview, forensic interviewers are not involved in determining the outcome of an investigation. Further, forensic interview training dictates exploring alternative hypotheses to the allegations. Thus, the interviewer is considered to be a neutral party.

During a forensic interview, the only parties in the room are the interviewer and the alleged victim/witness. This reduces outside influences such as the presence of a parent or law enforcement. The comfort of the child/vulnerable adult is paramount. The interview is video recorded to capture an accurate picture of the alleged victim's statement as well as the questions posed by the interviewer. Forensic interviews are designed to withstand the scrutiny of the judicial system and are the most accurate way to collect information from an alleged victim of abuse and/or neglect or witness to a violent crime.

Thank you in advance for your time. I strongly urge this Committee to favorably consider this bill aimed to assist the most vulnerable members of our community.

Sincerely,

A handwritten signature in black ink, appearing to read "Sara Kulow-Malavé". The signature is written in a cursive, flowing style.

Sara Kulow-Malavé, LCSW-C

Forensic Interviewer

The Tree House CAC of Montgomery County

SB20_FAV_Lee_2022.pdf

Uploaded by: Susan Lee

Position: FAV

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 1, 2022

Judicial Proceeding Committee

**SB 20 – Favorable – Sponsor Testimony - Criminal Procedure – Out of Court
Statements – Child Victims**

Senate Bill 20 is an extension of Maryland’s existing Tender Years Doctrine. Last year, there was similar legislation that went well beyond the scope of this year’s effort. This session, we are simply asking for children under 13 to be allowed existing out of court statement procedures that they have for criminal abuse to be extending to criminal neglect, and witnessing crimes of violence. We are specifically using the 14-101 crimes of violence list to avoid the more controversial 2nd degree assault inclusion in this context, unlike last year. SB 20 also does not add vulnerable adults to the existing category, as we attempted to do last session.

Tellingly, we do not have opposition from the Office of Public Defender this session, because of the refined nature of the bill, and the existing requirements in 11-304 that protect due process, and the confrontation clause. This legislation does not eliminate the ability to confront the child witness, and does alter any provisions related to CINA proceedings, so that concern is completely moot. I trust careful review of the arguments in support and our efforts to avoid potential problems will be taken into consideration when we vote on SB20. The harm of adverse childhood experiences manifests in complex ways, which require trained professionals to conduct interviews as close to time from the event in question as possible. This bill is common sense and urgently needed for the examples you will hear from the expert witnesses to follow me, that work to protect children all across our state.

Please support this vital legislation this session, please vote for a favorable report on SB20, as amended with some very technical amendments that were missed during drafting, by merely adding “or witness” where we had “child victim” in existing code.

2022 MSPA SB 20 Senate Side.pdf

Uploaded by: Scott Tiffin

Position: FWA



Senator William C. Smith, Jr., Chair
Senator Jeff Waldstreicher, Vice Chair
Judicial Proceedings Committee
Miller Senate Office Building, 2 East
Annapolis, MD 21401

February 1, 2022

Bill: Senate Bill 20 – Criminal Procedure – Out of Court Statements – Child Victims

Position: Support with Amendment

Dear Chair Smith, Vice Chair Waldstreicher, and Members of the Committee:

I am writing on behalf of the Maryland School Psychologists' Association (MSPA), a professional organization representing about 500 school psychologists in Maryland. We advocate for the social-emotional, behavioral, and academic well-being of students and families across the state.

We strongly support Senate Bill 20 because, as mental health providers, we recognize the difficulty children under the age of 13 may have in providing testimony about neglect they have experienced. That is why it is important that qualified professionals are permitted to testify regarding out-of-court disclosures children have made to them. Although we support this important bill, we ask for one minor amendment:

On page 2, after line 4, insert "A SCHOOL PSYCHOLOGIST"

The current statute includes "psychologist," which could be interpreted to mean a psychologist licensed by the Board of Examiners of Psychologists. Because school psychologists are certified by the Maryland Department of Education instead of the Board of Examiners, we feel there is a risk that a school psychologist would not be permitted to give testimony under this bill. This could mean that a child who made a disclosure to a school psychologist would not be as protected as a child who made the same disclosure to another mental health provider or school official.

For these reasons, we urge a favorable report on SB 20. If we can provide any additional information or be of any assistance, please contact us at legislative@mspaonline.org or Scott Tiffin at stiffin@policypartners.net or (443) 350-1325.

Respectfully submitted,

Katie Phipps, M.Ed., Ed.S., NCSP
Chair, Legislative Committee

Maryland School Psychologists' Association

SB0020_VMcAvoy_UNF.pdf

Uploaded by: vince mcavoy

Position: UNF

SB0020

Vince McAvoy

UNFAVORABLE

SB0020_VMcAvoy_UNF

Senators of Judicial Proceedings,

I ask you to vote unfavorably for this bill.

Observing hearsay rules are particularly important when dealing with parental alienating mothers (and sometime fathers).

The mere allegation of neglect in Maryland qualifies for *ex parte* proceedings.

The domestic violence industry employee bringing this notion to Annapolis (and D.C.) has been trying to inject this foul, unconstitutional bit into local legislatures for nearly a decade because they are ineffective at the job of getting to the truth. They must tamper with established norms of evidence and proper, repeatable procedure. They also have an anti-father agenda. By listening closely to the DV “expert” who advocates for this foulness in committee, he has spoken openly against fathers in general and black fathers, in particular (which was quite the awkward moment during a SB567 taskforce hearing).

The removal of a parent from the life of their child when such proceedings are evolving are often filled with parental alienating via the re-forming of facts re-forming not according to the truth but according to the legal efforts of those who would eliminate a parent from a child's life.

The classic definition of Parental Alienation.

Once a child's safety is achieved, there could be no possible use for this bill.

The fact that this particular advocate has brought it since the Domestic Violence hearings the Maryland General assembly had chaired by Senator Anthony Muse and Del. V Atterbeary shows how unfruitful and disingenuous this bill is

Please resoundingly vote NO on this bill.

This bill is *prima facie* flawed and unjust. It would likely not be upheld in appellate review.

Thanks for your consideration and time.

humbly

~vince

vince mcavoy po 41075 baltimore md