

Maryland Catholic Conference_FAV_SB435.pdf

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ARCHDIOCESE OF BALTIMORE † ARCHDIOCESE OF WASHINGTON † DIOCESE OF WILMINGTON

February 15, 2022

Senate Bill 435

**Family Law – Preventing or Interfering With Report of Suspected Child Abuse or Neglect –
Statute of Limitations**

Senate Judicial Proceedings Committee

Position: SUPPORT

The Maryland Catholic Conference represents the mutual public-policy interests of the three (arch)dioceses serving Maryland, including the Archdiocese of Baltimore, the Archdiocese of Washington, and the Diocese of Wilmington. We offer this testimony in support of Senate Bill 435.

Senate Bill 435 would alter the criminal statute of limitations for a violation of the prohibition on preventing or interfering with the making of a certain report of suspected child abuse or neglect. Senate Bill 435 is an important measure for ensuring that mandated reporters take seriously their obligation to report abuse, most especially when they are aware of a clear instance of abuse.

Like many other institutions serving children, all Catholic parishes, diocesan schools and youth programs observe stringent child protection measures. Our institutions conduct mandatory criminal background checks on all employees and on volunteers who work with children, provide comprehensive awareness training to educate adults and children on how to recognize predatory behaviors, and promptly report all suspected incidents of child sexual abuse.

Senate Bill 435 is an important measure to help ensure the immediate reporting of instances of known child abuse, so that children in these situations can quickly receive the protection and services needed to at a minimum remove them from further harm.

For these reasons, we urge a favorable report on Senate Bill 435.

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Position: FWA



Working to end sexual violence in Maryland

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Testimony Supporting Senate Bill 435 with Amendments
Lisae C. Jordan, Executive Director & Counsel
February 15, 2022

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. We urge the Judicial Proceedings Committee to report favorably on Senate Bill 435 with Amendment.

**Senate Bill 435 -- Expanding the Statute of Limitations for the
Crime of Preventing or Interfering with a Report of Child Sexual Abuse**

Maryland law imposes criminal penalties of up to 5 years/\$10,000 for those who intentionally prevent or interfere with a report of child sexual or physical abuse or neglect. These are cases where a professional has determined that a report of abuse or neglect should be made and is under a legal obligation to report the suspected abuse, but someone else – often a supervisor – acts to thwart the report. Reports of suspected child sexual abuse are a critical piece of Maryland's safety net for children and there were over 2000 reports of child sexual abuse in 2020.¹

This bill would remove the statute of limitations for prosecution in these cases. Perpetrators use many tactics to prevent their victims from disclosing abuse. These range from threats against the victim or loved ones, manipulating the victim, convincing the victim nothing is wrong, and exploiting the victim's desire to keep a family together. Some victims remain financially and emotionally dependent on the perpetrator well into their early adulthood. Others face pressure from other family members to remain silent, or have a deep sense of shame. These delays in reporting mean that it is often years before it comes to light that someone has interfered with a report of abuse.

MCASA supports instituting a longer statute of limitations in these cases, however, we respectfully suggest that this be accomplished by making this crime a felony. This would impose the other collateral consequences attendant to felonies, such as limits on possession of firearms and restrictions on certain licenses. This would be appropriate for this particularly heinous crime. On page 3, in line 7, replace "misdemeanor" with "felony" and strike lines 9-11.

**The Maryland Coalition Against Sexual Assault urges
the Judicial Proceedings Committee to
report favorably on Senate Bill 435 with Amendments**

¹ https://mcasa.org/assets/files/Incidence_of_CSA_Fact_Sheet_2021.12.pdf