
To: Members of The House Judiciary Committee

From: Family & Juvenile Law Section Council (FJLSC)

Date: February 10, 2022

Subject: House Bill 338:
Definition of Neglect

Position: SUPPORT

The Maryland State Bar Association (MSBA) FJLSC **SUPPORTS House Bill 338 – Definition of Neglect.**

This testimony is submitted on behalf of the Family and Juvenile Law Section Council (“FJLSC”) of the Maryland State Bar Association (“MSBA”). The FJLSC is the formal representative of the Family and Juvenile Law Section of the MSBA, which promotes the objectives of the MSBA by improving the administration of justice in the field of family and juvenile law and, at the same time, tries to bring together the members of the MSBA who are concerned with family and juvenile laws and in reforms and improvements in such laws through legislation or otherwise. The FJLSC is charged with the general supervision and control of the affairs of the Section and authorized to act for the Section in any way in which the Section itself could act. The Section has over 1,200 attorney members.

HB338 seeks to change the definition of “neglect” in child in need of assistance (CINA) matters and child abuse and neglect mandatory reporting and investigations. Specifically, HB338 would not allow actions that a survivor of domestic violence fails to take to be considered neglect. Those actions are failure to: protect a child from witnessing domestic violence; to leave the home in which the alleged perpetrator resides; to end a relationship with the alleged perpetrator; to report the domestic violence to law enforcement or Department of Social Services; or, to seek a protective order against the alleged perpetrator.

Survivors’ safety is at extreme risk when taking actions such as protecting a child, leaving the home, ending a relationship, reporting to law enforcement or DSS, and seeking a protective order. CINA and DSS investigations are processes that involve the potential removal of children from the care and custody of their parents.

Removing children from parents who are domestic violence survivors due to neglect, when the alleged neglect arises from exactly the situations that place survivors at extreme risk of their



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own safety penalizes survivors and the children. It also places survivors in a dilemma – of losing their children or facing extreme risk to safety (their own and their children’s).

For all these reasons, the Family and Juvenile Law Section Council of the MSBA urges the Committee to issue a favorable report on House Bill 338.

Should you have any questions, please contact Lindsay Parvis by email at lparvis@jgllaw.com.