



BILL NO: House Bill 284

TITLE: Criminal Procedure - Out of Court Statements - Child Victims

COMMITTEE: Judiciary

HEARING DATE: February 3, 2022

SUBMITTED BY: Caroline Ackerman, Managing Attorney of Maryland Legal Services & Special Projects, Amara Legal Center

POSITION: SUPPORT

The Amara Legal Center writes to support House Bill 284 (HB284). We are grateful that Delegate Crutchfield introduced this important legislation to authorize courts to admit out of court statements made by child victims under age thirteen in certain criminal proceedings relating to crimes of violence. Thank you for giving us the opportunity to share our thoughts.

The Amara Legal Center (“Amara”) provides free legal services in Washington, D.C., Maryland, and Northern Virginia to survivors of sex trafficking and to anyone whose rights are violated while involved in commercial sex. Although many believe that sex trafficking only occurs overseas or among foreign nationals, the vast majority of Amara’s clients are U.S. citizens, both juveniles and adults born and raised in the D.C. metro area. Amara provides brief legal advice, partial and full representation for civil legal issues such as civil protection orders, divorce, child custody and support, and name changes. In addition to civil legal services, Amara provides victim-witness advocacy for clients working with law enforcement, criminal/juvenile defense, and representation in criminal record sealing and expungement cases.

Since 2013, Amara has served over 500 clients with more than 800 legal matters. In many cases, Amara attorneys prepare clients to testify against their abusers or traffickers in criminal proceedings, civil protective order hearings, and other matters. We have observed first-hand the impacts of trafficking-related trauma on our clients, many of whom suffer from PTSD due to the emotional, physical, and psychological abuse they endured at the hands of their traffickers. Trauma affects memory, which means that survivors, especially children, testifying months or years after the trafficking may struggle to remember details of the abuse and specific timelines. However, children often make disclosures to trusted adults at the time of abuse.¹ Admitting children’s out of court statements to trusted adults will strengthen criminal cases against traffickers by corroborating children’s in-court testimony. This expansion of the Tender Years exception to hearsay will also help alleviate pressures from children testifying against traffickers and abusers. Our clients, of all ages, frequently face nightmares, flashbacks, and triggers when preparing for hearings and testifying in court. By allowing out of court statements to be admitted for their truth, case outcomes will no longer solely rely on a child’s in-court testimony. Instead, courts will be able to consider both the child’s in-court testimony, which may be impacted by trauma, and the child’s out of court disclosures to a trusted adult.

¹ “Child sex trafficking cases present an array of evidentiary challenges, including the difficulty of corroborating allegations of a crime that is oftentimes hidden. However, child victims often make out-of-court statements to trusted adults in their lives that, per states’ evidentiary rules, may be barred from being admitted in proceedings against their offenders. To overcome this challenge, states should enact hearsay exceptions, allowing a victim’s non-testimonial out-of-court statements to be admitted into evidence.” *2021 Toolkit*, Shared Hope (2021), <https://reportcards.sharedhope.org/wp-content/uploads/2021/10/2021Toolkit.pdf>.



HB 284 recognizes the heightened vulnerability of children subjected to crimes of violence, including human trafficking, and serves as an important step toward developing a trauma-informed legal system. For the aforementioned reasons, Amara supports HB284. We respectfully urge a favorable report.