



HB284 Criminal Procedure – Out of Court Statements – Child Victims  
House Judiciary Committee – February 3, 2022  
Testimony of Crimson Barocca, LCSW-C, Manager, Forensic Interview Research and Education  
Center for Hope  
Position: **SUPPORT**

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Center for Hope writes in support of HB284 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 of 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 now includes the Forensic Interview Research and Education program which was created to engage collaborative forensic interview research projects and educate 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 of forensic interviewing and to transition competently and confidently to the courtroom.

Forensic interviewers are licensed mental health professionals with specialized forensic training who utilize structured methods to question children which helps adherence to evidenced based practice. Forensic interviewers are required to obtain regular training to maintain licensure and are additionally subject to ongoing review of video documented interviews and training for adherence to standards of practice in accredited children's advocacy centers.

A forensic interview is a phased approach. It includes interview instructions (ground rules), establishing rapport as a distinct process, and having the child practice talking about neutral events prior to introducing the topic of concern. Ground rules allow the interviewer to clarify roles and set expectations, assess the child's ability, and promote resistance to suggestibility. Neutral event practice provides the interviewer a baseline for assessing the child's verbal communication, memory retrieval capability, and helps the child practice responding in greater narrative form to open-ended prompts. Event practice also helps interviewers predict and prepare for the child's behavior at later stages in the interview.

Interviewers utilize open-ended questioning to allow for a child led narrative process which is scientifically proven to increase the child's ability to provide the greatest amount of information in the most reliable form. These interview techniques promote the child's memory retrieval for traumatic



events and increase their comfort in the process. Children who observe or witness events can have more difficulty recalling experiences and a forensic interviewer has the developmental knowledge and skills to help children with memory retrieval. Children who are scared or uncomfortable while being interviewed are at risk for false denials and recantation, are prone to acquiesce to suggested information and generally provide less information investigators can be confident about.

Utilizing forensic interviews is especially important when gathering information about traumatic experiences. Children are giving statements with high levels of anxiety. A supportive setting with evidenced based methods is not only trauma informed, it is protective of the investigative process. The forensic interviewer establishes the optimal conditions for children to provide accurate and detailed accounts allowing investigations or proceed with integrity. Children's experiences can be heard, documented, preserved and respected by the courts. Forensic interviews give children the chance to be protected from offenders while preventing innocent individuals from being falsely accused.

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 HB284.

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*LifeBridge Health is a regional health system comprising Sinai Hospital of Baltimore, Levindale Geriatric Center and Hospital in Baltimore; Northwest Hospital; Carroll Hospital and Grace Medical Center (formerly Bon Secours). At LifeBridge Health and Center for Hope, we are committed to convening national best practice and trauma experts to respond to violence, abuse and exploitation of our area's most vulnerable populations.*