

Date: February 17, 2022

Bill number: HB0833

Committee: Judiciary

Bill title: **Criminal Law - Victims of Child Sex Trafficking - Safe Harbor and Service Response**

DHS Position: **Letter of Information**

The Maryland Department of Human Services (DHS), thanks the Committee for the opportunity to provide information about House Bill 833 (HB 833).

With respect to DHS, House Bill 833 in part deals with Maryland’s Regional Navigator Program. Maryland’s Regional Navigator Program Grant (RNPG) is tied to funding from the federal Victims of Crime Act (VOCA). The RNPG-VOCA was developed in Maryland after Governor Hogan signed into law the “Child Sex Trafficking Screening and Services Act of 2019” - Chapter 559 of the Acts of 2019. Chapter 559 established the Regional Navigator Program with the primary purpose of developing Regional Navigators that serve all Counties in the State to connect victims to services. House Bill 833 would make alterations to the authority, role, and responsibilities of Maryland’s Human Trafficking Regional Navigator. Under this legislation the state’s attorney shall order a regional navigator to conduct an evaluation of a child’s status as a victim of sex trafficking—a responsibility not previously granted to the navigator. As of February 2022, 10 of Maryland’s 24 jurisdictions have developed such a program.

The bill proposes that should the Regional Navigator find that the child is a victim of sex trafficking and the court finds that the child committed the offense due to sex trafficking, the court will then dismiss the case and transfer the matter to the Department of Human Services. However, unless the child qualifies as a CINA, it is unclear what it means to “transfer the case” to DHS.

Additionally, this bill would amend DHS’s confidentiality provisions to specifically state that sex trafficking Child Protective Services (CPS) records must be disclosed under the mandatory disclosure scenarios listed in HU § 1-202(b). However, the current statute already allows for such disclosure because sex trafficking CPS records are part of the broader sexual abuse definition. As a matter of statutory interpretation, adding in the term “sex trafficking” would narrow what sexual abuse records must be disclosed under HU § 1- 202(b). Additionally, the proposed changes would essentially prohibit release of sexual abuse records, including sex trafficking records, from DHS’s allowable discretionary disclosures under HU § 1- 202 (c). This is challenging in situations where DHS needs the ability to share sexual abuse records to ensure services for victims, assist with prosecution of maltreators, and preventing sexual abuse perpetrators from working with children.

The Department appreciates the opportunity to provide the aforementioned information to the committee for consideration during your deliberations.

