

Date: February 9, 2023

Bill number: HB0324

Committee: House Judiciary Committee

Bill title: **Child Abuse and Neglect – Domestic Violence**

DHS Position: **LETTER OF INFORMATION**

The Maryland Department of Human Services (DHS) thanks the Committee for the opportunity to provide written information regarding House Bill 324 (HB 324).

DHS serves as the state's primary social services agency and has the authority for statewide implementation of Child Protective Services (CPS). House Bill 324 intends to eliminate the potential for re-victimization of victims of domestic violence through neglect investigations by CPS or neglect findings in Children in Need of Assistance (CINA) proceedings. DHS has been at the forefront of implementing the Family First Prevention Services Act (FFPSA). FFPSA aims to minimize trauma experienced by children through preventive services supporting DHS's efforts to increase the number of children who can safely remain in their homes.

The Department's approach to cases involving domestic violence is to ensure the safety of children while avoiding retraumatizing the adult and child victims of the violence. To that end, the Department typically assigns reports of domestic violence to a Risk of Harm or Alternative Response that aims to provide any supportive services requested or required by the adult victim to establish safety for all victims. There are times where the Department has been able to use the current definition of neglect to protect both the victim parent and the children by filing for CINA to receive an order controlling conduct of the perpetrator of domestic violence. The General Assembly previously provided CPS statutory authority to engage an alternative response in lieu of a CPS investigative response in most domestic violence cases in 2012 through House Bill 834. CPS has furthered those goals by establishing policies to accept appropriate domestic violence-related cases as Risk-of-Harm cases. To ensure that practice comports with the Department's philosophy, the Department is supportive of enhanced language that would require the local departments to consider whether a risk of harm or alternative response could be engaged prior to assigning the report for investigation.

As written, the bill would require DHS to screen-out some reports of allegations of domestic violence. This would create an unintentional barrier to the Department's ability to provide appropriate services to the family or develop a safety plan for a child experiencing violence in the home. It is critical to the safety and well-being of the child(ren) and the victim parent that the Department retains the authority to engage the victim(s) of domestic violence in an alternative response or risk of harm assessment. Alternative Response and Risk of Harm assessments ensure that the victim and the victim's children have access to the social services that they need in certain cases. Last year, local departments received over 1,000 reports of suspected child abuse or neglect containing allegations of domestic violence. In most of those cases, CPS offered the victim parent services to protect both the children in the home and themselves from experiencing further domestic violence without court intervention or even making an administrative finding against the victim parent. Those efforts ensured that 94% of those reports received last year were resolved without a court making a CINA finding for those children.



The Department is grateful to Delegate Lopez for her concerns on behalf of the children and parents impacted by domestic violence and her partnership in ensuring that the families affected by domestic violence receive the needed services provided by the Department of Human Services. DHS appreciates the opportunity to offer the aforementioned information for the Committee's consideration during your deliberations. DHS welcomes collaboration with the Committee on HB 324.

