

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Matthew J. Fader
Chief Justice

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 324
Child Abuse and Neglect – Domestic Violence
DATE: February 1, 2023
(2/9)
POSITION: Oppose, as drafted

The Maryland Judiciary opposes House Bill 324, as drafted. HB 324 creates a rebuttable presumption that “neglect,” as defined in Courts and Judicial Proceedings Article § 3-801 and Family Law Article § 5-701, does not include, on the part of a victim of domestic violence, failure to protect the child from witnessing domestic violence, failure to leave the home of the abuser, failure to seek a protective order, failure to end the relationship with the perpetrator, or the failure to report the abuse to law enforcement or the local department of social services

The Judiciary recognizes the complexity and difficulty of decision making by a victim of domestic abuse in an abusive relationship. The Judiciary’s concern, however, lies with the proposed addition to § 3-819. While the Judiciary understands and is sympathetic to the concerns regarding victims of domestic violence, the broad language of this bill would require the court to disregard potentially critical information. In a Child in Need of Assistance (CINA) matter, the court’s focus is on the safety of the child, and the court must not be precluded from considering evidence that relates directly to harm or threat of harm to the child. This is especially true in cases in which the child is the victim of physical and sexual child abuse and the abuser lived in the home. The Court should have the authority to consider all evidence relevant to the child’s safety.

cc. Hon. Lesley Lopez
Judicial Council
Legislative Committee
Kelley O’Connor