

Support HB324
Child Abuse and Neglect – Definition of Neglect

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1401 N. Charles St.
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House Judiciary Committee



Sayra and Neil Meyerhoff
Center for Families,
Children and the Courts

Dear Del. Clippinger and Members of the House Judiciary Committee:

I am an Assistant Professor and Faculty Director of the Sayra and Neil Meyerhoff Center for Families, Children and the Courts (CFCC) at the University of Baltimore School of Law. I teach Family Law and Child Welfare course and write extensively on those topics, including how Intimate Partner Violence (IPV) and the child welfare system intersect. In my career, I have represented hundreds of parents in both child welfare and domestic violence proceedings.

HB 324 creates a rebuttable presumption that the definition of parental neglect does not include the following: a victim’s “failure to protect” a child from witnessing violence; not leaving an abusive relationship; not reporting violence; or not seeking an order of protection. Historically, these so-called failures have been used as evidence that a survivor of violence is neglecting her¹ child. In some cases, removal is not immediate, but the threat of removal is used to coerce compliance with whatever plan the child protective agency determines is best, often ignoring the complexities of IPV or the survivor’s wishes. In many cases, however, the agency does remove the child from the survivor, despite the fact that she herself is experiencing violence at the hands of another person.

Children who are removed from their parents suffer a host of harms including feelings of anxiety, grief, and loss. Those who are placed into foster care face the likelihood of being moved from one foster home to another, not receiving consistent medical care, having to change schools, and being separated from their loved ones and communities. Foster children have worse long-term outcomes than their peers on important metrics ranging from a higher likelihood of experiencing poverty, being homeless, having contact with the juvenile justice system, becoming pregnant at a young age, having mental health struggles, and developing substance use disorder.

Children who are exposed to IPV face unique harms if they are removed from their parents. This is because one of the most significant factors impacting how children process exposure to violence is their attachment to their non-offending parent. Further, when IPV is involved, it is critical that a child sees that their non-offending parent is protected and that the violence that they witnessed has come to an end. The child’s relationship with their protective parent is crucial to their development and resilience and the skills necessary to recover from exposure to violence. Secure attachment to the protective parent is the child’s most important protective resource in mitigating any trauma as a result of exposure to violence.² Thus, domestic violence experts have expressed that removing

¹ Not all survivors of violence are women and violence certainly exists in same-sex couples. However, women in heterosexual relationships experience violence at higher rates. Huecker, Martin R., King, Kevin C., Jordan, Gary A., Smock, William, *Domestic Violence*, <https://www.ncbi.nlm.nih.gov/books/NBK499891/>

² Osofsky, Joy D. “The Impact of Violence on Children.” *The Future of Children* 9, no. 3 (1999): 33-49,

children from their non-offending parent can be more traumatic than doing nothing at all.³

There is no doubt that witnessing domestic violence has negative impacts on children. That impact, however, is not straightforward or universal. How a child is affected depends on numerous factors including but not limited to their age, gender, who the perpetrator is, exactly what they see, and the frequency, nature, and severity of the violence. Because children's experiences can be so varied, our approach cannot rely on a singular response. Yet, generally, once violence is alleged in child welfare cases, the child is removed from both of their parents – even the non-offending one. Significantly, the CDC considers both exposure to IPV *and* family separation “adverse childhood experiences.”

The reality is that no one who stands before this committee can honestly testify as to which is worse for a child – witnessing violence or being removed from their parents. The evidence suggests, however, that the combination of witnessing violence and then removing a child from their non-offending parent is the most harmful approach of all.

Because HB324 would limit the removals of children from their protective parents, as well as other forms of unnecessary state intervention, I urge you to issue a favorable report.

<https://doi.org/10.2307/1602780>.

³ Nicholson v. Williams, 203 F. Supp. 2d 153, 199 (E.D.N.Y. 2002)