



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

February 9, 2023

Testimony in SUPPORT of HB 324 - Child Abuse and Neglect – Domestic Violence

Summary: HB 324 prevents victims of domestic violence (DV) from losing custody of their children simply because they are victimized by clarifying that a parent not leaving an abusive relationship or preventing a child from witnessing domestic violence does not constitute neglect, removing a barrier that many people in abusive relationships face when they try to leave.

Overview: Domestic abuse victims face many obstacles when they attempt to leave abusive situations, including the threat of homelessness, financial instability, and a lack of social support. Maryland law currently creates an additional hurdle for domestic violence victims who attempt to leave by allowing them to be charged with neglect, making them fear losing custody of their children.

Currently, the definition of neglect in Maryland's code is broad enough to encompass multiple kinds of neglect; however, that broad definition allows domestic violence victims to be prosecuted if their child witnesses abuse in the home or for failing to leave their abuser.

Fear of this kind of prosecution incentivizes victims to stay quiet about the abuse they are experiencing out of fear that if they notify anyone, they will be charged with neglect and their child will be sent to foster care, an extremely traumatic experience for both parent and child.

HB 324 establishes a rebuttable presumption that neglect does not include:

1. A DV victim failing to protect a child from witnessing domestic violence;
2. A DV victim failing to leave the home in which the alleged perpetrator resides;
3. A DV victim failing to end a relationship with the alleged perpetrator;
4. A DV victim failing to report the domestic violence to law enforcement or social services; or
5. A DV victim failing to seek an order of protection against the alleged perpetrator.

HB 324 requires that this presumption be rebutted before a court can give weight to evidence that a parent has not taken the actions above when determining if the child in question is a child in need of assistance.

Conclusion: HB 324 will ensure that Maryland does not prosecute victims of domestic violence who have the strength to come forward for actions that their abuser commits. Thank you and I ask for a favorable report for HB 324.