

House Judiciary Committee

House Bill 324: Child Abuse and Neglect – Domestic Violence

February 9, 2023

*****OPPOSE*****

The Maryland Chapter of the National Association of Social Workers is opposing HB324 out of concern for the risk to children. We understand and value the position of domestic violence advocates with respect to the adult victim, who should be neither be blamed nor penalized for what they cannot control. From a clinical perspective, we believe in most instances good clinical social work intervention can be successful engaging and supporting the victim of domestic violence to take steps to enhance their own safety and well-being. Protecting children by supporting safe caregiving behavior is, in fact, the only means of protecting children in the home setting.

However, the mission of child welfare and child protective services is to ensure the safety of children. Awesome clinical skills aside, the only authority given to DSS to compel a parent to take necessary action to ensure child safety is through the Child in Need of Assistance (CINA) process. HB 324 bill would remove that protection; children exposed to domestic violence, in the absence of some other clear maltreatment - perhaps sustaining an injury at the hands of the violent adult? – won't meet the criteria for being found a Child in Need of Assistance and cannot be removed from the victim parent even when that parent remains in the unsafe environment. The definition of 'rebuttable presumption' is entirely vague.

There is a body of research that supports the position that exposure to domestic violence is harmful to children, that it's correlated with mental health struggles, increased violence toward others, escalated attempts to intervene that increase risk of direct injury, and the ultimate risk of death by homicide of the victim and the children.

As a reminder, like so many other expansions in DSS's role, the additional responsibility to intervene with children exposed to domestic violence came with no additional staffing to serve the increased number of domestic violence involved children and families. Yet DSS soldiers on in their efforts to ensure safety of these children and support the victim/parent. When safety of the children becomes imminent, whether due to the victim's unwillingness or inability to take action for their protection - and we fully understand that they are often unable to take the steps needed to ensure the safety of both due to their own victimization - a CINA finding is the only available safety tool.

Eliminating CINA as an action of last resort suggests that it is acceptable to allow children to suffer the known harm of exposure to domestic violence and to continue the cycle of perpetuating future domestic violence victims and offenders.

In short, we appreciate and value the important work of domestic violence advocates and the commitment to standing by the side of victims who may have neither the emotional or physical resources to leave a dangerous situation. While the preservation of families is a priority for the state's child welfare programs, child safety is at the heart of its mission and we believe it has to take precedence.

We ask for **an unfavorable report** for HB324.

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