

Testimony of the Human Trafficking Prevention Project

BILL NO: House Bill 324
TITLE: Child Abuse and Neglect – Domestic Violence
COMMITTEE: Judiciary
HEARING DATE: February 9, 2023
POSITION: **SUPPORT**

House Bill 338 will establish a rebuttable presumption that the “failure to protect” a child from witnessing violence, as well as failing to leave an abusive relationship, failure to report the violence, or failing to seek an order of protection, is *not* considered neglect as defined under the law. The Human Trafficking Prevention Project at the University of Baltimore School of Law supports this bill because it will prevent victims of interpersonal violence, many of whom are also survivors of human trafficking, from being accused of neglect when they are unable to leave their partners.

Under the existing definition, failure to protect a child from witnessing domestic violence is sufficient evidence to constitute neglect.¹ What the current law fails to recognize is that separation does not necessarily make victims of violence safer. Leaving an abuser can be the most dangerous time for victims of domestic violence and their children, as many victims face significant threats or harm when they attempt to leave their abusers. In fact, victims are more likely to be killed following separation from their abusers than at any point in the relationship, and domestic violence tends to escalate when the victim decides to leave.

Additionally, victims of domestic violence commonly remain entrapped in abusive relationships because they lack the resources to do so, with the choice to stay often being the most familiar of a host of terrible options.² Victims may not have their own income or access to cash or bank accounts, need their partners’ health insurance for themselves or their children, or have difficulty securing childcare or transportation.³ Those who do risk theirs and their families’ safety by leaving often find themselves homeless,⁴ which then puts them at increased risk of being trafficked, given that homelessness commonly precedes a trafficking experience.⁵

While there is no doubt that witnessing domestic violence has negative impacts on children, removal due to allegations of neglect also has devastating effects.⁶ Additionally, removal of a child under the current neglect standard amounts to penalizing victims of domestic violence for their own victimization, and may actually serve to deter victims from leaving because they fear the very real possibility of losing their children if they disclose their abuse.

¹ Courts and Judicial Proceedings Article § 3-801 and Family Law Article § 5-701.

² See generally Domestic Violence Hotline, *50 Obstacles to Leaving*, <https://www.thehotline.org/resources/get-help-50-obstacles-to-leaving/>.

³ *Id.*

⁴ ACLU, *Domestic Violence and Homelessness*, <https://www.aclu.org/sites/default/files/pdfs/dvhomelessness032106.pdf> (citing that domestic violence is the primary cause of homelessness for women and families).

⁵ See generally Polaris, *On-Ramps, Intersections, and Exit Routes: A Roadmap for Systems and Industries to Prevent and Disrupt Human Trafficking, Housing and Homelessness Systems* (July 2018), <https://polarisproject.org/wp-content/uploads/2018/08/A-Roadmap-for-Systems-and-Industries-to-Prevent-and-Disrupt-Human-Trafficking-Housing-and-Homelessness-Systems.pdf>.

⁶ See generally Shanta Trivedi, *The Harm of Child Removal*, 43 *New York University Review of Law & Social Change* 523 (2019), https://scholarworks.law.ubalt.edu/all_fac/1085.

Leaving a violent relationship is far from simple and is often a process rather than a one-time event. This bill will help victims of interpersonal violence rather than penalizing them for not leaving their abusers and could ultimately result in increasing the likelihood that victims of violence ask for help when they need it. For these reasons, the Human Trafficking Prevention Project at the University of Baltimore School of Law supports House Bill 324. We respectfully urge a favorable report.