

THE COALITION TO PROTECT MARYLAND'S CHILDREN

Our Mission: To combine and amplify the power of organizations and citizens working together to keep children safe from abuse and neglect. We strive to secure budgetary and public policy resources to make meaningful and measurable improvements in safety, permanence, and wellbeing.



SB0274 – Criminal Procedure - Child Victims – Testimony in Child Abuse Cases Judicial Proceedings Committee January 30, 2025

POSITION: SUPPORT

The Coalition to Protect Maryland's Children is a consortium of organizations and individuals formed in 1996 who are concerned about the care of Maryland's most vulnerable children and work together to promote meaningful child welfare reform. CPMC urges a favorable report on SB0274 – Criminal Procedure - Child Victims – Testimony in Child Abuse Cases.¹

SB0274 would modify Maryland's current statute, Criminal Procedure §11-303, to enable courts to more easily make a determination that a child victim should be allowed to testify by closed-circuit television in child abuse cases, including child sexual abuse cases. Court interpretations of the current statute have limited the utility of the law. *See, Wildermuth v State*, 310 Md. 496 (1987).

It is extremely difficult for children to disclose abuse, much less testify about that abuse in front of the very person who harmed them so deeply. Children often express fear about being near their abuser in court. If a child is capable of testifying, it is inherently retraumatizing on many levels. Some children are simply unable to talk about the abuse they experienced under these conditions. In fact, the more horrific the abuse, often the harder it is for a child to discuss. It is unbelievably difficult for a child to give graphic details about sexual abuse by a family member in the presence of that very family member. When a child simply cannot testify under these circumstances, under the current law, State's Attorneys' Offices are often forced to lower their plea offers or even dismiss the case altogether. This is clearly unfair.

Testimony by closed circuit TV makes it more likely that children will be capable of telling judges and juries about the horrors they have experienced and will reduce some, but not all, of the re-traumatization. The ability of these children to disclose what happened to them will help keep other children safe from future abuse. The pandemic has familiarized the judiciary and attorneys with Zoom and other video communication platforms, which should reduce concerns about implementation and fairness.

Potential amendment: CPMC supports MCASA's suggestion that the Committee may wish to consider amending the bill to include any sexual crime against a child under Title 3, Subtitle 3 of the Criminal Law Article to protect a wider group of child sexual abuse victims.

It is for these reasons that the Coalition to Protect Maryland's Children **urges a favorable report on SB0274 – Criminal Procedure - Child Victims – Testimony in Child Abuse Cases**

¹ Members of CPMC represented by this written testimony include Center for Hope, Citizens Review Board for Children, Court Appointed Special Advocates – Baltimore County, MD Chapter – American Academy of Pediatrics, MD Association of Resources for Families & Youth, MD Children's Alliance, MD Coalition Against Sexual Assault, MD Network Against Domestic Violence, National Association of Social Workers – MD, and State Council on Child Abuse and Neglect.