



Date: January 30, 2025

To: Chair Smith, Vice Chair Waldstreicher, and the Judicial Processing Committee

Reference: Senate Bill 298, Criminal Procedure – Out of Court Statements – Vulnerable Adult Victims and Witnesses

Position: FAVORABLE

Dear Chair Smith and Committee Members:

On behalf of LifeBridge Health's Center for Hope, we thank you for this opportunity to provide information on Senate Bill 298. Center for Hope provides intervention and prevention for: child abuse, domestic violence, community violence, and elder justice for survivors, caregivers, and communities. At LifeBridge Health, we recognize the devastating impact of violence in our communities and the growing number of victims of all ages. This is a public health issue, and we need to help our communities by partnering with the people in them, to break the cycle of violence. We need to partner alongside community leaders, stand shoulder to shoulder with parents and caregivers, and help provide survivors of violence and crime with support and healing, in order to grow a collective hope for a better city and a better world.

The Center for Hope **strongly supports Senate Bill 298 – Criminal Procedure – Out of Court Statements – Vulnerable Adult Victims and Witnesses**. The legislation is consistent with the recommendations of the Task Force on Preventing and Countering Elder Abuse's 168-page report released in December of 2024.¹ This bill would help prosecutors admit into evidence out of court statements made by a vulnerable adult victim of abuse, assault, neglect, financial exploitation, as well as a vulnerable adult who witnessed a crime of violence (such as a homicide or a shooting) as defined by Criminal Law 14-101. The bill recognizes the importance of covering two different vulnerable groups: (1) adults of any age that cannot care for themselves, including protect themselves from abuse/exploitation, due to a mental or physical condition, or (2) adults that are 68 or older. These statements tend to be offered by way of a video recording and are imperative when a case relies on the testimony of those whose live, in-court testimony may be hindered by physical or cognitive conditions.

Center for Hope, a subsidiary of LifeBridge Health, helps clients heal from incidents of violence such as child abuse, domestic violence, community gun violence, and elder abuse through integrated, evidence-based programs that extend beyond hospital walls. Center for Hope provides trauma-informed crisis intervention, forensic interviews, medical exams, mental health, wraparound case management, family advocacy and workforce development services. Our Elder Justice Program at Center for Hope includes engaging with a multidisciplinary team of experts to respond to allegations of vulnerable and older adult abuse and exploitation. Forensic interviewers are critical parts of that team working directly with vulnerable adults that have been victims of abuse, neglect, and exploitation. Forensic interviewers are trained to ask neutral, open-ended questions to elicit narrative responses in the victim's own words. This interview practice is frequently used in interviewing child victims of abuse and sexual abuse as well as adult survivors of abuse and victims of vulnerable adult neglect, abuse and exploitation. These interviews

¹ List of Recommendations includes "Establish a comprehensive statutory scheme, including modernizing important definitions, in order that the various community supports work together to investigate and protect Older Adult victims of abuse."

are audibly and visually recorded in their entirety. Our interview team, trained in multiple models of interviewing including our nationally recognized Forensic Interview Toolbox protocol, obtains a definitive response in over 90% of the interviews we conduct, thereby enhancing reliable investigations by our partners.

Center for Hope's Forensic Interview Research and Education program was created to engage in forensic interview research and educates forensic interviewers and other professionals nationally on how to obtain both reliable and exhaustive information from children and vulnerable adults. Our program teaches best practices from a multi-disciplinary collaborate, culturally competent, research and trauma informed perspective. We give professionals the tools and resources necessary to maintain a high level of practice in the field and to transition competently and confidently to the courtroom.

Prosecutorial efforts to prosecute cases involving the abuse, neglect, and exploitation of vulnerable adult victims often fall short when crucial evidence relies on the in-court testimony of the vulnerable adult alone. When a case involves a vulnerable adult with declining cognitive abilities, a vulnerable adult that was able to competently explain what happened to them at the beginning of an investigation may no longer be able to do so when it comes time to testify in court following a lengthy investigation and judicial process. Similarly, the stress of speaking in public and/or in front of their abuser can exacerbate symptoms of underlying conditions, impeding their ability to testify cohesively. While SB 298 still requires that a witness be available for testimony if their out-of-court statement is introduced, the bill allows fact finders at trial to watch the forensic interview and hear the vulnerable adult's statement while they were in a calm, controlled, and safe environment before any further changes in their cognitive functioning has impacted their memory of the events in question.

In Criminal Procedure 11-304 – Out of Court Statements – Child Victims and Witnesses, the legislature has already recognized the importance of protecting a different vulnerable group in this manner while simultaneously recognizing the safeguards forensic interviewing provides in obtaining reliable statements. CP 11-304 applies to forensic interviews and other out of court statements for children under the age of 13 creating the "Tender Years" hearsay exception. Senate Bill 298 directly mirrors Criminal Procedure 11-304 but expands to include vulnerable adults of all ages.

For all the above stated reasons, we request a favorable report for Senate Bill 298.

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