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April 1, 2025

TO: The Honorable William Smith
Chair, Judicial Proceedings Committee

FROM: Tiffany Clark
Director, Legislative Affairs, Office of the Attorney General

RE: House Bill 1480 - Child Advocacy Centers - Continuity of Care Standards
for Health Care Professionals and Reports of Violations - **Letter of
Concern**

The Office of Attorney General (OAG) respectfully offers this letter of information to the Judicial Proceedings Committee on **House Bill 1480** - Child Advocacy Centers - Continuity of Care Standards for Health Care Professionals and Reports of Violations.

The Governor's Office of Crime Prevention and Policy (GOCPP) has established child advocacy centers (CACs) in every jurisdiction in Maryland to assist in the response to allegations of child abuse, including sexual crimes, as required by § 11-928 of the Criminal Procedure Article. The CACs assist child victims of physical and sexual abuse by providing, among other things, counseling, medical services, and mental health services. The management structure of the CAC varies across the different jurisdictions, as the General Assembly authorized GOCPP to "contract with public or private nonprofit organizations to operate" county-level CACs and to permit CAC to be "based in private nonprofit organizations, local departments of social services, local law enforcement agencies, or a partnership among any of those entities."

House Bill 1480 seeks to (1) improve services by requiring CACs to establish continuity of care plans to manage changes in providers of medical or mental health services and (2) provide a process for reporting complaints based on the CAC's alleged failure to satisfy accreditation standards (including continuity of care provisions) to the GOCPP, to the Attorney General, and on a public website. The continuity of care plan would require that the CAC provide notice to the child victim and the victim's parent or guardian "when there is a change in

a provider of medical or mental health services” employed by or under contract with the CAC and to permit the former provider to assist in the transfer of care in accordance with “professional ethics and standards of care.” While the intent of **House Bill 1480** is commendable in improving the care and accountability provided to children through child advocacy centers, the OAG has concerns about the bill’s current posture that we believe should be addressed.

First, the bill does not acknowledge that CACs serve child victims of physical and sexual abuse perpetrated by their parents or guardians as well as children who do not wish to include their parents or guardians in decisions regarding their medical and mental health treatment. Many of those children have the statutory right, without parental involvement, to make medical decisions after experiencing a rape or other sexual offense, to obtain reproductive health services, or to obtain treatment for mental or emotional disorders including substance use treatment-related services. The providers of those services to children are not required to provide parents and guardians “information about treatment needed by the minor or provided to the minor,” and are not permitted to provide any information regarding a child’s receipt of abortion services, decision not to have an abortion, or services for mental or emotional disorders if “the disclosure will lead to harm to the minor or deter the minor from seeking care.” To resolve the conflict between those statutory provisions and the universal notice required to parents and guardians under this bill, OAG recommends that the bill be amended, at page 4, line 1, before “parent” by inserting “, if appropriate, ”.

Second, **House Bill 1480** requires complaints regarding the provision of medical and mental health services at a CAC to be referred “to the Attorney General for investigation and further action, if necessary”, but does not provide a purpose for that referral. Additionally, the bill does not provide the OAG with the necessary resources to obtain the requisite expertise to effectively investigate these specific cases of child abuse and neglect. The Attorney General's office does not have a specialized unit for handling child abuse and neglect investigations. Investigations of child abuse and neglect are traditionally carried out by State’s Attorney’s Offices and Assistant Attorneys General who serve as counsel to State agencies, such as the Department of Human Services. OAG recommends that the bill be amended, at page 4, line 17, by striking “for referral to the Attorney General” and at page 4, line 18, by striking “, if necessary”.

The OAG urges the Committee to consider these issues carefully as it deliberates on the passage of **House Bill 1480**.

cc: The Honorable Delegate Cardin
Senate Judicial Proceedings Committee