



HB293 - Criminal Procedure – Child Victims – Testimony in Child Abuse Cases
February 6, 2025
House Judiciary Committee
Position: FAVORABLE

Maryland Legal Aid (MLA) submits written and oral testimony on HB293.

MLA serves residents in each of Maryland’s 24 jurisdictions, providing free legal services to the State’s low-income and vulnerable residents in a range of civil legal matters. MLA is Maryland’s largest civil non-profit law firm, representing vulnerable young people in Child in Need of Assistance (CINA) matters across the State. This proposed legislation is an important measure to prevent unnecessary additional trauma to child victims in cases relating to child abuse. MLA urges the Committee’s favorable report on HB293.

HB293 is a direct benefit to our clients. It alters the requirements under which a court is authorized to order that a child victim’s testimony be taken outside a courtroom and shown in the courtroom by closed circuit television in certain child abuse cases.

Youth who are abused or neglected suffer trauma. Often, such children are the only, or most critical, witnesses to that abuse and neglect. However, testifying in court in front of the perpetrator and others can itself be further traumatizing for the youth. It can exacerbate the emotional scars that remain from the abuse and neglect. This bill will enable judges to allow testimony via closed circuit when the judge determines that testifying in front of the perpetrator will cause the youth serious emotional distress.

HB293 will remove the unnecessary hurdle of further requiring the judge to make findings about the youth’s ability to communicate, which could be interpreted to require technical expertise. It will enable the judge to properly focus on avoiding further trauma and serious emotional distress to the youth. This will help youth testify about child abuse and neglect in a manner that safeguards their emotional health. This bill is in the best interest of children and protects child victims.

Forcing a child to testify in open court in cases of abuse or neglect can be an unnecessary and preventable additional harm. It risks re-traumatizing the child, overwhelming them with an emotionally burdensome process, and jeopardizing their psychological health and recovery. Given the availability of alternative methods for gathering evidence and testimony, there is no need to subject children to this traumatic process. Protecting the emotional well-being of abused and neglected children should always be a priority. HB293 helps to ensure that children are heard without causing them additional harm.

Maryland Legal Aid urges the Committee to issue a FAVORABLE report on House Bill 293 and urge its ultimate passage. If you have any questions, please contact: Erica I. LeMon, Advocacy Director for Children's Rights at elemon@mdl原因.org (410) 951-7648 or (410) 935-0937.