

Support HB 223

Family Law – “Know Before They Knock” Family Right to Notice Act - Testimony of Shanta Trivedi, Esq.

Thursday, February 13, 2025

House Judiciary Committee

Delegate Clippinger, Vice-Chair Bartlett and Members of the Committee:

Shanta Trivedi serves as the Faculty Director and Aubrey Edwards-Luce is the Executive Director of the Sayra and Neil Meyerhoff Center for Families, Children, and the Courts (CFCC) at the University of Baltimore School of Law. CFCC envisions communities where children and families thrive without unnecessary involvement in the legal system. We engage communities as we work tirelessly to transform systems that create barriers to family well-being. Additionally, Professor Trivedi teaches courses on Family Law and the Child Welfare System and writes about the child welfare system, particularly as it affects low-income and minority families. Professor Trivedi has also represented hundreds of parents who have been separated from their children or who were at risk of being separated while Director Edwards-Luce has represented hundreds of children in these proceedings. **We urge you to issue a favorable report on HB223.**

HB223 simply makes clear that basic constitutional protections apply in child welfare investigations. It would ensure that child welfare and law enforcement agents advise parents of their rights upon commencement of an investigation, allowing them to make informed decisions throughout the investigation process. States that have passed similar laws have found that they keep children safer because transparency from the agency encourages families to be more forthcoming.¹

In 2021, 21,234 of Maryland’s children and their families were subjected to a child welfare investigation. After investigation, the Department of Social Services concluded that there was maltreatment in only 27 percent of those cases.² Thus, almost 75 percent of those children and their families were subjected to unnecessary intrusions into their lives.

Investigations, even if they do not lead to a removal, can cause extreme harm to children. Children are awakened in the middle of the night by strangers, they are asked deeply intrusive questions about their parents and their lives, they are often asked about sex, sometimes hearing words related to sexual activity for the first time in their lives. They are also asked to remove their clothing so that strangers can inspect their naked bodies for marks and bruises, even when there are no allegations of physical harm. Child protective services CPS investigators pull children out of their classrooms, alerting their peers and educators to the fact that they are part of a child welfare investigation causing deep humiliation.³ Throughout, children understand that the threat of being taken from their parents is ever-looming. Educating parents about their rights and how to assert them could prevent children from experiencing the harms of non-emergency investigations.

Nationwide, states are passing laws to ensure that parents know their rights during CPS investigations. To date, Connecticut, Texas, Florida, Montana and Arizona have all passed these laws and New York and Delaware have introduced similar legislation. Maryland should join these states to be leader on this issue – making clear that we too believe that families deserve to know their basic constitutional rights to prevent government overreach while simultaneously ensuring that children are safe through other provisions of law.

The goal of the child welfare system is to protect children. Because we believe this bill is an important step in ensuring that Maryland’s children do not experience unnecessary harm at the hands of those charged with safeguarding their well-being, **we urge you to support HB223.**

¹ Eli Hager, *Police Need Warrants to Search Homes. Child Welfare Agents Almost Never Get One*, PROPUBLICA (Oct. 13, 2022) <https://www.propublica.org/article/child-welfare-search-seizure-without-warrants>

² *State-Level Data for Understanding Child Welfare in the United States*, CHILD TRENDS, <https://www.childtrends.org/publications/state-level-data-for-understanding-child-welfare-in-the-united-states>

³ See e.g. HINA NAVEED, HUMAN RIGHTS WATCH, *IF I WASN’T POOR, I WOULDN’T BE UNFIT: THE FAMILY SEPARATION CRISIS IN THE US CHILD WELFARE SYSTEM* 63 (Nov. 17, 2022) available at <https://www.hrw.org/report/2022/11/17/if-i-wasnt-poor-i-wouldnt-be-unfit/family-separation-crisis-us-child-welfare> (A caseworker visited the children’s school and pulled them from class to question them, came to the home unannounced, and randomly strip searched the children, ages 1, 4, 7, 9, and 10, to check their bodies for signs of abuse. Adaline said these visits were so frightening for her children that her youngest child began screaming every time she saw anyone with a badge.)