

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.



CPMC
COALITION TO PROTECT
MARYLAND'S CHILDREN

**HB0442 – Criminal Procedure – Victims and Witnesses – Out of Court
Statement of Child to Forensic Interviewer
House Judiciary Committee
February 6, 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 HB0442- Criminal Procedure – Victims and Witnesses – Out of Court Statement of Child to Forensic Interviewer.¹

HB0442 would help the court admit into evidence in certain cases out of court statements made to a forensic interviewer by a child victim of abuse, assault, or neglect, as well as a child who witnessed a crime of violence (such as a homicide or a shooting) as defined by Criminal Law § 14-101. This bill expands upon the existing "Tender Years" hearsay exception that exists as part of Maryland Code, Criminal Procedure § 11-304 and would allow statements made to trained forensic interviewers into evidence while humanely reducing the trauma of repeated questioning by different and unskilled professionals.

Forensic interviewers are licensed mental health professionals with specialized forensic training who utilize structured methods to question children while adhering to evidence-based best practices. Forensic interviewers are required to obtain regular training to maintain licensure and are additionally subject to ongoing review of video documented interviews and training for adherence to standards of practice in accredited children's advocacy centers.

A forensic interview is a phased approach that promotes resistance to suggestibility and encourages the child to explain their experience in narrative form to open-ended questions. This process is scientifically proven to increase the child's ability to provide the greatest amount of information in the most reliable form. These techniques promote the child's memory retrieval for traumatic events while simultaneously increasing their comfort in the process. These interviews are audibly and visually recorded in their entirety. The interview team, trained in multiple models of interviewing, obtains a definitive response in over 90% of the interviews conducted, thereby enhancing reliable investigations.

Utilizing forensic interviews is especially important when gathering information about traumatic experiences. Seeing as children who are scared or uncomfortable are at a higher risk for false denials and recantations of abuse, minimizing discomfort via utilizing forensic interviewing models is imperative for cohesive investigations and child protection efforts. Forensic interviewers establish the optimal conditions for children to provide accurate and detailed accounts as the foundation for sound

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.

investigations. Their experiences can be heard, documented, preserved, and respected by the courts while preventing innocent individuals from being falsely accused.

This expansion would ensure that cross-jurisdictional investigations completed with a forensic interviewer can also be used in court by Criminal Procedure § 11-304 without requiring a child be re-interviewed for it to be admissible. This bill logically extends the law without making any compromises to investigatory or judicial integrity while reaffirming the legislature's commitment to trauma-informed best practices in investigating and resolving instances of child abuse, neglect, and exposure to violence.

For all the above stated reasons, the Coalition to Protect Maryland's Children **urges a favorable report on HB0442** – Criminal Procedure – Victims and Witnesses – Out of Court Statement of Child to Forensic Interviewer.