

House Judiciary Committee

House Bill 223: Family Law – Child Abuse and Neglect Investigations (“Know Before They Knock” Family Right to Notice Act)

****OPPOSE****

February 13, 2025

House Bill 223: Family Law – Child Abuse and Neglect Investigations (“Know Before They Knock” Family Right to Notice Act) does not grant new rights for parents or legal guardians, but requires Child Protective Services caseworkers to frame existing rights in a manner resembling a criminal investigation. Forcing caseworkers into a policing posture is antithetical to the family engagement for which caseworkers strive, and overlooks the rights of children as separate people in their own right.

The history of child protection in the United States shows children were once considered possessions of their parents rather than separate human beings deserving of protection. Even today children are the only class of citizens allowed to be hit, albeit within limits. Until child protection laws were enacted in the 1960’s, the social norm that “what happened in the family stayed in the family” took precedence over children’s safety. Measures to delay investigations are reminiscent of that era; by setting child protection back years, children will be placed at risk. A recent [Baltimore Banner article](#) shared alarming information about an increase in child fatalities in Maryland for which we need to better understand, and this bill isn’t the strategy to address this tragic outcome.

Although anyone can make a child protective services report, local departments use a screening tool to determine whether a report meets the standard for investigation. Once accepted, current Maryland law stipulates the **“local department or appropriate law enforcement...shall see the child... (and) decide on the safety of the child, and of other children in the household”** within 24 hours when abuse is alleged, and 5 days for neglect or mental injury. Neglect is easy to minimize and horrific to wrap our brains around. However, data shows that children die more often of neglect than abuse, and delays of days or weeks can make the difference between life and death. *A legislatively required notice which states that a parent or legal guardian has the right to deny the investigator to see the child in response to a report of child abuse or neglect creates a serious threat to child safety in Maryland.*

From the decades of our NASW-MD members’ public child welfare experience, we can assure you descriptions of Child Protective Services interventions reminiscent of a made for TV Lifetime Channel movie are not representative of the practice, but instead one-sided and simply dishonest. Caseworkers, for example, neither ransack homes nor strip children, inflammatory claims of those without CPS expertise.

Child maltreatment reports are typically symptomatic of a family in pain, and the goal is to help by making community referrals, using flexible funding to defray pressing expenses, and providing family support services. In fact, Maryland is successful keeping children safe in that the rate of repeat maltreatment within a year is very low. The family separation rate, too, is very low; at 1.1% per thousand, Maryland has the second lowest placement rate in the country. We ought to be lauding those achievements, not watering down the protection of children.

The bill indicates that exercising the rights prescribed by the bill can result in the caseworker filing a petition to separate a child from the family. However, ***removing a child from their family should never be threatened as the consequence for failing to cooperate without a provable safety risk to the child.*** Without being able to speak with the parent and interview the child, the risk to the child can't be assessed. Removals for lack of cooperation will be about erring on the safe side, not based on a risk and safety assessment nor failed efforts to preserve the family. That damages children.

To summarize, is a bill that expands no new rights to parents, but imposes a criminal-like standard for investigating child maltreatment reminiscent of a time when children were merely chattel of their parents, not separate humans deserving of safety and protection in their own right. Since children have no voice, we ask you to oppose HB0 223 on their behalf.

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Legislative Committee