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HOUSE JUDICIARY COMMITTEE  
House Bil 223: Family Law-Child Abuse and Neglect Investigations ("Know before They  
Knock" Family Right to Notice Act)

OPPOSE  
February 13, 2025

The Law Offices of Darlene A. Wakefield, P.A. is a private child advocacy firm of 16 attorneys. Child advocacy law is the only law we practice. This firm has been in existence for 23 years. Personally, I have practiced Child In Need of Assistance (CINA) law in Maryland for 30 years having represented children, parents and a local department of social services. Currently, our firm represents 1,224 children in Baltimore City, Baltimore, Carroll, Cecil, Harford, Howard, Prince George's and Washington Counties. I have also practiced briefly in Montgomery County so I am familiar with that jurisdiction as well.

My comments in opposition to this bill as filed are summarized below.

1. **Is legislation really necessary?** Creating or amending a statute is not always the best way to address an issue. Has any thought been given to forming a taskforce to look at the issues raised? In particular, how can the stakeholders address the need for education of parents and guardians about the rights as it relates to investigations conducted by the local departments of social services (DSS). The Office of the Public Defender (OPD) has the Better Together initiative which they say is working well in Baltimore City. Can we simply put forth efforts to expand that program into other jurisdictions and find ways to get the information into the hands of parents and guardians? Will DHS agree to make a regulatory change or policy change which may incorporate the notice provisions included in the bill instead of mandating same via statute?
2. **The requirements of the Bill as written will result in unnecessary evidentiary hearings in the already overburdened Juvenile Courts.** As drafted on page 5, paragraph 4, lines 3 through 6, evidence obtained from entry into the home if written notice of "rights" is not provided will result in exclusion of that evidence. If DSS files a Child In Need of Assistance (CINA) petition with allegations of abuse/neglect of a child, the OPD can raise objection to the evidence supporting the allegations. Will we be conducting these Motion hearings at the time of shelter or some other pre trial motion hearing? **If the allegations are serious but the Court finds that the evidence is excluded, how is that protecting our children?** What recourse does child's counsel have at that point? Will DSS be required to conduct another investigation and then file a petition with new evidence? In the meantime, aren't we

potentially continuing to put children in harm's way? Another issue is what is informed consent as it relates to parents/guardians who may have mental health issues or under the influence of substances as is often the case? How will the Court decide between parents who say they waived their right to DSS investigating and now say they were not offered those rights and a violation occurred vs. the DSS caseworker who says they fully informed the parent but he/she refused to sign?

Note: It is our understanding that an amendment may be offered to delete lines 3 through 6 on page 5, which will strike the evidentiary paragraph. If offered, we support this amendment.

3. **Does the OPD have enough attorney resources to be readily available to parents/guardians?** If a parent/guardian wants to call the OPD for assistance of counsel with regard to the investigation, attorneys from the OPD must be available to assist them. Otherwise, there will be undue delay in the investigation. Our experience currently in some of the jurisdictions in which we practice is that often cases have to be held over or otherwise delayed because the OPD is stretched too thin because they are covering multiple jurisdictions for CINA hearings. It is difficult to imagine that the OPD has the resources available to rapidly assist in advising and being present with parents/guardians for investigations.
4. **The bill presumes that children who are the subject of the investigation agree with their parents and do not want to be interviewed.** Maryland is a client directed model for child's counsel for children who are determined to have considered judgment. This type of representation assumes that children have a right to independent decision making. If this legislature has determined that children have an independent voice, why are we permitting a parent to hinder the investigation by preventing the DSS caseworker from talking with a child at the time of the investigation? **It is the very children who are being kept away from investigators who need to be interviewed.** We have experienced numerous situations in which children are being hidden in homes and kept away from the outside world so that abuse/neglect can continue. Children of all ages are being kept in locked rooms, denied food and medical care. Case workers **must** have access to a child to determine if allegations are founded. At the very minimum, case workers must be allowed to "lay eyes" on children if non-verbal and interview children who are age appropriate.

The rights of parents must always be weighed against the best interest and rights of children. This legislature has mandated time frames for immediate investigations for reports of suspected abuse and neglect of children. Why would it now allow a change in our laws to hinder and delay those investigations? We have seen too many cases where one day would have made a difference between the life and death of a child. We strongly urge you to vote against delay and for the rights of Maryland's children by opposing HB223.

Respectfully submitted,

Darlene A. Wakefield, Esq., President