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To: Members of the House Judiciary Committee  
From: Maryland State Bar Association (MSBA)  
Subject: HB 456 – Civil Actions – Child Nonsexual Abuse and Neglect – Damages and Statute of Limitations  
Date: February 11, 2025  
Position: **Oppose**

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The Maryland State Bar Association (MSBA) respectfully **opposes** HB 456 – Civil Actions – Child Nonsexual Abuse and Neglect – Damages and Statute of Limitations. House Bill 456 establishes a certain statute of limitations in certain civil actions relating to child nonsexual abuse and neglect; establishes a limitation of \$1,500,000 on noneconomic damages that may be awarded under the Act; provides that a certain party may appeal an interlocutory order under certain circumstances; applies the Act prospectively and retroactively to certain actions barred by a certain statute of limitations; etc.

MSBA represents more attorneys than any other organization across the state in all practice areas. Through its advocacy committees and various practice-specific sections, MSBA monitors and takes positions on legislation that protects the legal profession, preserves the integrity of the judicial system, and ensures access to justice for Marylanders.

MSBA thanks the sponsor for bringing to light the needs of survivors of neglect and nonsexual abuse and trying to protect and remedy their harms. However, MSBA opposes the bill as it imposes retroactive legislation that raises due process and constitutional concerns and its language covering defendants and acts of abuse and neglect are incredibly broad.

A wide range of actions are covered under neglect and nonsexual abuse, and defendants could include any person or entity who has temporary care or is responsible for a child. Individuals who have “responsibility for supervision of the child” and those who exercise “authority over the child” due to their position or occupation would also broadly be included in these cases. HB 456 could cover unintended individuals or groups with an attenuated relationship with the child and not those with a direct link to the neglect and abuse.

The standard of qualifying neglect under the bill broadly includes one that places the child’s health or welfare “at substantial risk of harm” or “substantial risk of mental injury,” rather than specific conduct resulting in harm.

MSBA welcomes an opportunity to work with sponsors to narrow the scope of the bill, but at this time, MSBA respectfully urges an **unfavorable report on House Bill 456**.

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