

## 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.*



### **HB0223 – Family Law - Child Abuse and Neglect Investigations ("Know Before They Knock" Family Right to Notice Act) House Judiciary Committee February 13, 2025**

#### **Position: OPPOSE**

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 an unfavorable report on HB0223 - Family Law - Child Abuse and Neglect Investigations ("Know Before They Knock" Family Right to Notice Act).**<sup>1</sup>

The intention of HB0223 is to provide a notice to a parent or legal guardian with their rights by the Child Protective Services personnel tasked with investigating a report of suspected child and/or neglect. We all support the concept of people knowing their rights. However, this bill in effect takes the Miranda warning from criminal law, applies it to a civil matter, and then applies it to every interaction of the Department of Social Services when it investigates child abuse and neglect. There is no requirement to provide an elaborate Miranda-like presentation when the government is investigating environmental violations, elder abuse, animal abuse, housing code violations, employment discrimination, or workplace violations. This legislation seeks to make an exception that only if the victim is a child is the government required to give these warnings at the initial stage. This singles children out among all groups in society for diminished protection. This legislation endangers children and should not be approved.

One of the most serious concerns about HB0223 is with the notice stating that a parent or legal guardian can refuse to allow a worker to interview the child, even when there is a report of abuse or serious neglect. What if it is the abusive parent or legal guardian who refuses to cooperate with the investigator at initial contact? Child Protective Services must be able to interview the child in private to investigate abuse and serious neglect. The investigator must be able to hear from the child, in private, to be able to ascertain the child's safety. This bill would hinder this essential aspect of the investigator's work. Current Maryland law stipulates the **"local department or appropriate law enforcement...shall see the child... (and) decide on**

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<sup>1</sup> Members of CPMC represented by this written testimony include: Center for Hope, Child Justice, Court Appointed Special Advocates (MD CASA), Court Appointed Special Advocates (Baltimore County), MD Chapter - American Academy of Pediatrics, Maryland Association of Resources for Families and Youth (MARFY), Maryland Children's Alliance, National Association of Social Workers - MD, and State Council on Child Abuse and Neglect.

**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.

HB0223 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. This bill puts these caseworkers in the difficult position of being perceived as engaged in “family policing”, rather than seen as trauma-informed and trained professionals who are qualified and invested in helping families be safe and thrive. We fear that the mandated notice will lead to less cooperation by parents and legal guardians, and when faced with an allegation that must be investigated, case workers will turn to law enforcement and the courts system to act - but it may not be quick enough to ensure the safety of infants and children in danger of continuing harm. Also, the lack of cooperation may be held against the parent or legal guardian if the child is removed.

It is important to note that the proposed legislation risks leading the state into excessive removals of children in some cases. A Child Protective Service case worker who might otherwise have been able to develop a safety plan with the family may be forced to remove a child when the investigator is unable to speak with the parent or the child. Removals for lack of cooperation will be about erring on the side of safety, not based on a risk and safety assessment nor failed efforts to preserve the family. Conversely, in other cases it will lead to situations where an investigator will simply quit when faced with an uncooperative parent, even if there are children living with abuse or serious neglect. No case should be closed due to the lack of cooperation of the parent or legal guardian being given notice. HB0223 will lead to both over- and under-removals, harming children in both cases.

We are aware that there are additional amendments from the bill sponsor that will be introduced at the hearing and agree with the first set of amendments striking the evidentiary language from the original bill (E)(4). However, we are not aware of any proposed amendment ensuring child safety, such as countering the blocking or delaying of a child being seen and interviewed by an investigator, especially in instances when the home is the only place for an infant or child to be seen or interviewed. **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.**

There are recent concerns that deaths of children from abuse and neglect are rising in Maryland. A recent [Baltimore Banner article](#) shared alarming information about an increase in child fatalities in Maryland for which we need to better understand. This legislation may exacerbate this problem. It is for these reasons that the Coalition to Protect Maryland’s Children **urges an unfavorable report on HB0223** - Child Abuse and Neglect Investigations ("Know Before They Knock" Family Right to Notice Act.