



**HB442 - Criminal Procedure - Victims and Witnesses - Out of Court Statement of Child to
Forensic Interviewer
February 6, 2025
House Judiciary Committee
Position: FAVORABLE**

Maryland Legal Aid (MLA) submits written and oral testimony on HB442.

MLA serves residents in each of Maryland’s 24 jurisdictions, providing free legal services to the State’s low-income and vulnerable residents in a range of civil legal matters. MLA is Maryland’s largest civil non-profit law firm, representing vulnerable young people in Child in Need of Assistance (CINA) matters across the State. MLA urges the Committee’s favorable report on HB442.

HB442 enables a forensic interviewer to testify in court to a child’s out-of-court statements to the interviewer where the child is under age 13. In expanding the “Tender Years” exception for child testimony, HB442 directly benefits MLA’s clients and helps protect children who have been abused and neglected.

Forensic interviewers are trained professionals at Child Advocacy Centers who interview children who are suspected to have been abused. The purpose of Child Advocacy Centers is for law enforcement to gather evidence from a suspected victim of child abuse in a therapeutic, age-appropriate manner that does not re-traumatize the child.

Under current law, however, a child’s statement made during a forensic interview is considered inadmissible hearsay, unless it is admissible under an independent hearsay exception. This creates the prospect of a young child having to tell the story of their abuse an additional time in court. This can create more trauma and serious emotional distress for the youth, forcing the youth to testify to their trauma and abuse before an audience – which likely includes their abuser. The court process itself can therefore cause further harm and trauma to the child if the child is forced to testify to what they already told the forensic interviewer. Allowing the forensic interviewer to testify to the child’s statements frees the abused child from this additional trauma.

There are ample protections in this bill that to ensure that it is carefully tailored. It defines a forensic interviewer as someone who has the proper training in forensic interviewing protocols to conduct “neutral, legally sound, nonleading, and developmentally appropriate interviews”. HB442 further clarifies that the forensic interviewer may not be a law enforcement officer. Also, the underlying statute that this bill amends contains safeguards that the judge must

conduct a detailed analysis of the child's statements to ensure that they are trustworthy. Therefore, HB442 and current laws provide appropriate due process protections.

Maryland Legal Aid represents abused and neglected clients who have benefitted from the Tender Years hearsay exception. We have used this statute to obtain protection for our clients in Child in Need of Assistance cases. It helps secure safety and security for the children we represent who have been abused and neglected. This modest expansion of the Tender Years rule will safeguard more children. It is in the best interest of Maryland's children and is a valuable tool to combat child abuse and neglect.

Maryland Legal Aid urges the Committee to issue a FAVORABLE report on House Bill 442 and urge its ultimate passage. If you have any questions, please contact: Erica I. LeMon, Advocacy Director for Children's Rights at elemon@mdlabor.org (410) 951-7648 or (410) 935-0937.