



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS

ELIZABETH HILLIARD
DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

**BILL: House Bill 302- Courts and Judicial Proceedings- Statement of Charges-
Human Service Workers**

FROM: Maryland Office of the Public Defender

POSITION: Unfavorable

DATE: 2/4/2025

The Maryland Office of the Public Defender respectfully requests that the Committee issue an unfavorable report on House Bill 302.

HB 302 would require that Child Welfare case workers be provided the same level of protection as police officers and emergency service personnel in requiring that an application for a statement of charges be immediately forwarded to the State's Attorney. It gives State's Attorneys the right to investigate the charges and make a recommendation to the commissioner as to whether the charges should be filed. The Maryland Office of the Public Defender opposes this bill.

The work of a police officer and emergency service personnel and even educators are very different in nature to that of a case worker and by its nature create environments that leave them vulnerable to what may amount to frivolous claims being filed against them. Child Case workers do not fit into the same category of work that would require a layer of protection that other citizens do not have. The work of a child Welfare Case Worker does not in and of itself make them vulnerable to frivolous criminal allegations in a way that would require that they have special protections. In most instances, case workers through agency policy can and should do their work in a way that ensures the safety of the children and families they are involved with. In fact, given that case workers are tasked with determining whether a child is safe or at risk of harm, they should be held to a standard for which they are required to have and follow policies to ensure the safety of children they have contact with and that they themselves are protected from allegations of harm. For instance, given that case workers have no special licensure, they are not doctors, social workers or therapists, they should never be in a situation where they are alone with a vulnerable child in a way that an allegation can be

brought against them. Coming into families' homes, requiring children to disrobe to examine their bodies and often taking pictures of children are harmful and traumatic practices that are commonly done in CPS investigations by people who are not licensed, qualified or trained in best practices to conduct such practices. Instead of creating a statute to protect case workers from being charged with crimes; the legislature should require child welfare agencies to ensure that policy and procedures are being followed so that their workers are not vulnerable to frivolous charges. This is well within the Department of Social Services control.

Additionally, providing this type of protection gives more power to the already wide range of power and control these case workers hold over families with even less accountability. Case workers are not licensed social workers so there is no grievance procedure for which a family can file a complaint and that work is held accountable based on the rules and standards of their licensing board. When case workers abuse their power in any way, the parents and families at their disposal generally have no recourse. They may complain to the case workers supervisor, but generally, the agency is unresponsive to parents' claims or side with their case worker. Families often feel they have no recourse in writing wrongs done against them by the Child Welfare System and their case workers. If a person feels that a crime has been committed against them by a case worker, they should have the opportunity to apply for a statement of charges to be filed without interference.

House Bill 302 creates significantly more opportunity for bias. The child welfare system and the State's Attorney often work together and rely on each other to prosecute and prove their cases in both Criminal and Juvenile Court. Giving the State's Attorney the ability to recommend that a case move forward or not, could create instances where charges are never filed due to the intertwined nature of these two agencies and their cases. Early review by a prosecutor could interfere with the impartiality and objectivity of the court process, potentially skewing findings based on factors other than the facts at hand. When a person believes that they have been criminally harmed, they have the right to file charges and have those cases brought before the court without undue interference from an agency that closely works with the alleged offender.

Child Welfare Case workers are not in positions whereby the very nature of their job they need to be treated differently than other citizens. If charges are filed against them, their case needs to go through the ordinary course and be tried just like every other case.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on House Bill 302.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.
Authored by: Natasha Khalfani, Attorney, natasha.khalfani@maryland.gov