



J. CHARLES SMITH, III
STATE'S ATTORNEY

KIRSTEN N. BROWN
DEPUTY STATE'S ATTORNEY

STATE'S ATTORNEY'S OFFICE

County Courthouse
100 West Patrick Street
Frederick, Maryland 21701

www.statesattorney.us

CIRCUIT COURT DIVISION
301-600-1523

DISTRICT COURT DIVISION
301-600-2573

CHILD SUPPORT DIVISION
301-600-1538

JUVENILE DIVISION
301-600-2980

DATE: February 4, 2025

BILL NUMBER: HB 442

POSITION: Favorable

The Maryland State's Attorney's Association and the Frederick County State's Attorney's Office support HB 442.

HB 442 permits a Judge to admit an out of court statement made by a child abuse victim to a trained forensic interviewer who is employed or works under contract at a Child Advocacy Center. Furthermore, in order to admit the statement, the Court must determine that the statement has particularized guarantees of trustworthiness. The statute specifically requires the judge to take into consideration thirteen different factors, in addition to any other information the judge deems relevant.

Over the past several decades, there has been voluminous research dedicated to forensic interviews of children. The research has shown that by having a neutral, trained individual conduct an interview of a child victim using a recognized protocol, it provides an increased opportunity for accurate and reliable information to be discovered. It is also important to note that the forensic interviewer does not determine whether or not abuse occurs, but rather obtains factual information in a neutral and developmentally appropriate manner from the child victim.

When children live in a jurisdiction outside of Maryland, many times they are interviewed by a trained forensic interviewer in that jurisdiction who is not a licensed social worker. This allows the child to be interviewed in their own jurisdiction without having to travel back to the location where their abuse occurred to submit to an interview. However, in those cases, the interview would be inadmissible under the current statute because even though it was conducted by a trained, neutral, third party, the forensic interviewer does not meet one of the current employment requirements in Criminal Procedure 11-304(c).

The proposed legislation recognizes the decades of research that has gone into forensic interviewing. It also affords the Judge the opportunity to determine, even if a forensic interview

is conducted, whether that interview has particularized guarantees of trustworthiness. This legislation will not only improve the integrity of child abuse investigations, but it will also reduce trauma on minor victims.

For these reasons, the Maryland State's Attorney's Association and the Frederick County State's Attorney's Office request a favorable report on HB 442.

A handwritten signature in black ink, appearing to read 'L. Carpenter', with a long horizontal flourish extending to the right.

Lindsey M. Carpenter
Chief, Special Victims Unit
Frederick County State's Attorney's Office