

HB302_Montgomery County CE_FAV 2025-02-04.pdf

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OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

February 4, 2025

TO: The Honorable Luke Clippinger
Chair, Judiciary Committee

FROM: Marc Elrich
County Executive

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

Currently in State law, when an application filed in the District Court requests that a statement of criminal charges be filed against a law enforcement officer, emergency services personnel, or an educator for an offense allegedly committed in the course of executing their duties, the application is immediately forwarded to the State's Attorney. Upon receipt, the State's Attorney investigates the circumstances of the matter and makes a recommendation to the District Court Commissioner as to whether a statement of charges should be filed.¹ This additional level of review by the State's Attorney ensures that the application for charges is proper and is based on conduct that warrants criminal charges; HB 302 adds child welfare caseworkers and adult protective services workers to the occupations covered under §2-608, as these professionals interact with the public in potentially sensitive circumstances that are at times similar to or related to the work performed by law enforcement officers, emergency services personnel, and educators.

I support House Bill 302 because it would offer increased protections to Montgomery County employees who work every day to protect some of our most vulnerable residents. In this line of work, our employees often interact with residents in sensitive circumstances and in intimate spaces such as their homes. While the vast majority of these interactions are productive and lead to better outcomes for our residents, there have been occasions when our employees have faced potentially negative legal actions simply as retaliation for doing their jobs. These circumstances are damaging for the employees directly affected by the erroneous charges as well as for the morale of the department as a whole.

House Bill 302 would add an additional level of review of a statement of charges against child welfare caseworkers and adult protective services workers to ensure that these employees are not being unjustly targeted for doing their important work. If the charges are warranted after review by the State's Attorney, House Bill 302 does not change anything thereafter. Because the bill will help ensure that justice is carried out only in appropriate circumstances, I respectfully urge the committee to issue a favorable report.

¹ Courts and Judicial Proceedings Article §2-608.

HB 302 - MSAA Favorable.pdf

Uploaded by: Patrick Gilbert

Position: FAV



Maryland State's Attorneys' Association

3300 North Ridge Road, Suite 185

Ellicott City, Maryland 21043

410-203-9881

FAX 410-203-9891

Rich Gibson
President

Steven I. Kroll
Coordinator

DATE: **January 31, 2025**

BILL NUMBER: **HB 302**

POSITION: **Favorable**

The Maryland State's Attorneys' Association (MSAA) supports House Bill 302 and urges this Committee to issue a favorable report.

Maryland is one of a few jurisdictions across the nation that permits civilians to initiate criminal charges without review by law enforcement or prosecutors. While protecting this access to the criminal legal system is important, it is equally important that sufficient safeguards exist to protect against abuses. MD. CODE ANN., CTS. & JUD. PROC. § 2-608 requires prosecutors to review, and make recommendations on, requests for criminal charges filed against law enforcement officers, emergency services personnel, or educators that allege an offense committed during the course of their employment. Requiring review of these applications affords prosecutors a chance to examine the validity of a criminal complaint prior to its issuance for groups that are uniquely, and disproportionately, subject to criminal accusation while lawfully performing their duties. Moving a prosecutor's gatekeeping function up to a point prior to the issuance of charges, as opposed to after charges have been issued, makes sense in these circumstances, and does not materially increase the workload of a prosecutor's office, as this review would occur at a later date anyway.

HB 302 adds two additional groups covered by the statute – adult protective services workers and child welfare caseworkers. The logic that justifies review of criminal complaints, prior to their issuance, against law enforcement officers, emergency services personnel, and educators applies with equal force to complaints against adult protective services workers and child welfare caseworkers. MSAA does not anticipate this bill increasing the workload of a prosecutor's office, given that this simply changes when the review of a case occurs. MSAA supports bills like HB 302, that involve prosecutors in key charging decisions earlier and recognize the important gatekeeping role served by prosecutors, and urges a favorable report.

HB0302_FAV_DHS.pdf

Uploaded by: Rachel Sledge Government Affairs

Position: FAV



DEPARTMENT OF HUMAN SERVICES

Wes Moore, Governor · Aruna Miller, Lt. Governor · Rafael López, Secretary

February 4, 2025

The Honorable Luke Clippinger, Chair
House Judiciary Committee
House Office Building, Room 100
6 Bladen Street
Annapolis, Maryland 21401

**RE: TESTIMONY ON HB0302 - COURTS AND JUDICIAL PROCEEDINGS -
STATEMENT OF CHARGES - HUMAN SERVICE WORKERS - POSITION: FAVORABLE**

Dear Chair Clippinger and Members of the Judiciary Committee:

The Maryland Department of Human Services (DHS) thanks the Committee for its consideration and respectfully requests a favorable report.

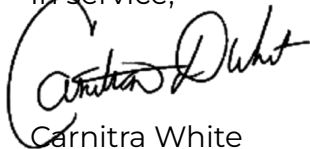
With offices in every one of Maryland's jurisdictions, DHS provides preventative and supportive services, economic assistance, and meaningful connections to employment development and career opportunities to assist Marylanders in reaching their full potential. Under our Social Services Administration (SSA), we employ both Adult Protective Services and Child Welfare caseworkers impacted by House Bill 302 (HB 302).

HB 302 expands protections currently available to other public sector employees, such as emergency services personnel, law enforcement, and educators, when acting within the scope of their job duties. The bill creates an additional process when a request for a statement of criminal charges is filed in District Court against qualifying DHS employees. The bill would require the State's Attorney to review criminal charges filed against adult protective services workers and child welfare caseworkers – as they are currently required to review charges against police, emergency services personnel, and educators – when acting within the scope of their job duties. The State's Attorney will not pursue a prosecution if the alleged offense is committed in the course of executing official duties.

There are numerous historical instances of DHS employees charged with crimes when fulfilling their job duties. Child and adult protection workers may question the scope of their authority to act in critical moments if they are concerned necessary actions could put themselves at risk of criminal charges. Adult protective services and child welfare caseworkers often operate in high-stress environments to protect youth and vulnerable adults throughout Maryland. If HB 302 passes, adult and child protection workers would have the same shield against unwarranted criminal charges that other public servants receive. This protection and assurance would enable them to perform their job duties in service of Marylanders without fear of reprisal.

We appreciate the opportunity to offer favorable testimony to the Committee for consideration during your deliberations. If you require additional information, please contact Rachel Sledge, Director of Government Affairs, at rachel.sledge@maryland.gov.

In service,

A handwritten signature in black ink, appearing to read "Carnitra White". The signature is written in a cursive style with a large initial "C".

Carnitra White
Principal Deputy Secretary

2025 4 2 HB 302 DHS Charges MOPD UNFAVORABLE.pdf

Uploaded by: Natasha Khalfani

Position: UNF



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