

2025 HB 223 Final.pdf

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Position: FAV



House Bill 223
Family Law - Child Abuse and Neglect Investigations
("Know Before They Knock" Family Right to Notice Act)
In the House Judiciary Committee
Hearing on February 13, 2025
Position: FAVORABLE

Maryland Legal Aid (MLA) submits its written and oral testimony on HB 223 at the request of Delegate Crutchfield.

Maryland Legal Aid submits this testimony in support of HB 223, a bill that provides notice to a child's parent or caretaker of their basic rights and protects them from invasive warrantless searches during an investigation of suspected child abuse or neglect. Maryland Legal Aid (MLA) is Maryland's largest non-profit law firm, with 12 offices serving each of Maryland's 24 jurisdictions, providing free civil legal services to the state's low-income and vulnerable residents. Our advocates represent parents and caretakers who are faced with suspected child abuse and neglect investigations and who are not aware of their basic rights during these investigations. As an organization that also represents children in CINA cases, we understand the impact and importance of CPS investigations, and we believe this bill strikes an appropriate balance between the state's important role in protecting children, while respecting the fundamental privacy rights of all Marylanders. As the only organization in the state with this 360-degree perspective of the system, MLA strongly supports this bill's requirement that caretakers be informed of their rights, including the right to consult an attorney, when the government knocks at their door. Therefore, we ask this committee to grant House Bill 223 a favorable report and urge its ultimate passage.

The low-income clients MLA serve are commonly subjected to unwarranted government intrusion into their homes, including by the Department of Social Services (DSS). Currently, DSS often enters our clients' homes without their consent and without providing them notice of the allegations against them. In these traumatic and confusing moments, our clients report not fully understanding their legal options. HB 223 requires DSS agents to provide a child's parent or caretaker with oral and written notice of their basic rights during a child abuse or neglect investigation. Among other things, this bill will require DSS to

- Notify a child's parent or caretaker of the allegations against them;
- Explain their right to consult with a lawyer prior to or during the investigation; and
- Inform them that, *unless ordered by a court*, they may refuse entry into their home, refuse requests to interview or physically examine their children, and refuse to submit to substance abuse or mental health screens.

Thus, HB 223 simply give parents and caretakers notice of their due process rights – rights that already exist under the law but are often not understood or invoked because of the intimidating nature of the investigations and the understandable desire of anxious parents to seem compliant.

HB 223 does *not* sacrifice children’s safety, because it does *not* block DSS’ ability to investigate child abuse. If parents or caretakers do not provide informed consent for DSS to enter their homes, DSS can still proceed with their investigation after obtaining a court order or a warrant based on probable cause. Further, Maryland law currently allows a DSS representative to enter a home without consent if they are accompanied by law enforcement and have probable cause to believe that a child is in serious, immediate danger, and this bill does *nothing* to change that. Therefore, this bill effectively balances the rights of parents and caretakers to feel secure in their homes and persons, and the government’s interest in legitimate, constitutionally compliant investigations.

Most DSS investigations result in a finding that the allegations of abuse or neglect are unsubstantiated. In 2022, DSS investigated over 23,000 allegations of child maltreatment and in only 28% of those referrals did DSS identify a substantiated or indicated allegation.¹ Unfounded DSS investigations can fundamentally alter family relationships and trust.² Negative experiences with DSS can also rock a parent’s faith in government systems, potentially making them wary of seeking help in the future.

By passing this bill, Maryland will join other states around the country who have passed similar bills in recognition of the invasive nature of CPS investigations. In September 2023, Texas Family Code § 261.307 went into effect, requiring the department to give a parent notice of their rights during a CPS investigation, including the right to refuse entry to the home, consult with an attorney, and be apprised of the allegations against them. Around that time, Arizona Revised Statute § 8-809.01 also went into effect, similarly enshrining a parent’s rights during an investigation into allegations of child abuse. In October of 2023, New York City launched a pilot program, identifying certain neighborhoods where notice similar to that required by HB 223 must be given to parents and caretakers at the onset of an investigation.

HB 223 codifies and protects the fundamental due process rights of parents and caretakers, while leaving intact the ability of DSS to conduct investigations of child abuse and neglect. It

¹ Children’s Bureau, Administration for Children & Families, Maryland Child Welfare Data: <https://cwoutcomes.acf.hhs.gov/cwodatasite/byState/maryland#footnote5>

² Shanta Trivedi, The Harm of Child Removal, 43 NEW YORK UNIVERSITY REVIEW OF LAW & SOCIAL CHANGE 523 (2019) https://scholarworks.law.ubalt.edu/all_fac/1085

creates accountability and prevents government overreach into our families—an issue that should unite Marylanders across the political spectrum. For the reasons stated above, MLA urges a favorable report on and passage of HB 223. If you have any questions, please contact me at: bgolfin@mdlabor.org.

Elizabeth Van Horn, LCSW-C HB223 Testimony.pdf

Uploaded by: Elizabeth Van Horn

Position: FAV

POSITION ON PROPOSED LEGISLATION

BILL: House Bill 223 - Know Before They Knock

FROM: Elizabeth Van Horn, LCSW-C

POSITION: Favorable

DATE: February 13, 2025

Greetings,

My name is Elizabeth Van Horn and I am a Clinical Social Worker here in the State of Maryland in support of HB223, which is commonly referred to as the Know Before they Knock Bill. While I am a part of the Parental Defense Division within the Public Defender's Office of Maryland, I am offering testimony in my personal capacity to share insights gained during my longstanding career in the child welfare sector. Prior to my current position, I served as a family advocate in New York City for over ten years. Both there and here in Maryland, I've aided families as they've encountered the most uncertain times and challenging circumstances navigating the child welfare system. I firmly believe that families access necessary resources and adequate support when they are met with proper information, are given the opportunity to fully understand the process before them, and have the chance to seek clarity when needed.

Every family I've worked with has been deeply traumatized by the often volatile, divisive, and invasive process that an investigation brings. During these moments, parents are not sure what to say, do, or who to turn to for help. Information is often misconstrued and or miscommunicated during heightened moments of stress, leaving a family without a proper understanding of what is happening and why. Knowing, for example, that a parent has the ability to consult with an attorney provides an opportunity for that parent to seek support in understanding a very complex process, the legalese involved, and the reasoning behind what is being asked of them. Parents are often asked to sign documents they don't understand without direction on how it will be used during the course of an investigation. This often leads to distrust between the community at large and the entities seeking to support and protect children and their families.

As you can imagine, encounters with the child welfare system are equally challenging and nuanced and can totally overwhelm any family's ecosystem. Parents being provided information at the outset of an investigation about what their rights are strengthens their ability to access resources and mitigate any concerns. It allows them to build a bridge of trust within the systems they are navigating and develop a clear path forward. I trust that children and their families will be safely and more thoroughly supported when they have the resources to do so which is why I am in full support of HB223.

Sincerely,

Elizabeth Van Horn, LCSW-C

CRC testimony HB223.pdf

Uploaded by: Erin Cloud

Position: FAV



February 13, 2025

RE: SUPPORT— HB223 The Know Before They Knock” Family Right to Notice Act

Dear Delegate Crutchfield and members of the House Judiciary Committee,

This testimony is submitted by Civil Rights Corps (CRC), a civil rights organization dedicated to challenging systemic injustice in the United States legal system. Civil Rights Corps specializes in innovative, systemic civil rights reform through litigation, advocacy, and public education. Since its founding in 2016, the organization has sought reform through advocacy and successful lawsuits in federal and state courts around the country challenging pretrial detention practices; state and municipal policies that incarcerate people because they cannot afford debts; abusive policing, prosecutorial, and surveillance practices; and other systemic practices that are unjust and unconstitutional and that separate families. These legal cases—and related policy collaboration with state supreme courts, rulemaking bodies, attorney generals, federal government officials, legislators, local presiding judges, and others—have resulted in widespread changes in how some of the most marginalized people in our society are treated by the court and police systems.

For over a year CRC has investigated the Maryland child welfare system also known as the family regulation system.¹ We submit this testimony with firsthand knowledge that Maryland families are subjected to intense surveillance and mired in onerous requirements when child services knocks on their doors. HB223 will minimize the procedural opacity that prevents parents from understanding and asserting their rights, providing a safeguard to protect the most marginalized families.

The bill helps protect cash-poor families. The strongest predictors of who will be subjected to a family regulation system report are synonymous with poverty and racism. The investigated families are those who need a food pantry, have difficulty paying rent, are experiencing utility shut-offs and public benefit shortages.² These are not abusive families—these are economically neglected families. In Maryland, thousands of families are facing economic neglect and are therefore at risk of foster system involvement. In 2022, 18% of

¹ Throughout our testimony, we will use the term “family policing” or “family regulation” system to describe what has been most commonly referred to as the “child welfare” or “child protection” system, to honor the ways directly impacted people describe this system and in recognition of the system’s racist history and the harm and trauma caused by forced family separation.

² Slack, K. S., Berger, L. M., DuMont, K., Yang, M.-Y., Kim, B., Ehrhard-Dietzel, S., & Holl, J. L. (2011). Risk and protective factors for child neglect during early childhood: A cross-study comparison. *Children & Youth Services Review*, 33(8), 1354-1363. <https://doi.org/10.1016/j.childyouth.2011.04.024>



Maryland children had working parents living below 200% of the federal poverty line,³ and in Baltimore, poverty rates for school-age children regularly exceeds the national average.⁴ Enacting HB223 will have a profound impact on economically marginalized families. These are the parents and children who are most likely to be faced with family regulation system investigation, even when all they needed was support and material resources.

The “Know Before They Knock” Family Right to Notice Act will also act as a safeguard to Black and non-white families who disproportionately face the foster system. Similar to the criminal legal system, the family regulation system subjects Black, Indigenous, and Latine to a greater likelihood of more surveillance, more reports to the family police, more investigations, more forced family separation, and more terminations of parental rights. Nationally, 1 in 2 Black children will experience a family policing investigation.⁵ 1 in 10 will experience family separation.⁶ 1 in 41 will have their parents’ rights terminated.⁷ The trend, unfortunately, persists in Maryland. Although Black children make up less than one-third of the state’s child population, 56% of children who entered the foster system in Maryland in 2021 were Black.⁸ This is deeply troubling, especially when considering that the foster system is not a utopic safe haven, but often the locus of danger and trauma. For example, a study of the Baltimore foster system found that sexual abuse in foster placements was substantiated at four times the rate of the general population.⁹ This is not safety, and laws like HB223 can help protect Black, Latine and Indigenous families from the trauma of separation.

Finally, CRC supports HB223, the “Know Before They Knock” Family Right to Notice Act, because this it is a procedural intervention that could prevent an invasive and hugely consequential investigation that could lead to the evisceration of one of the most precious fundamental rights– the right to family integrity. Federal law consistently affirms the right of

³ “Children in low-income working families by age group in Maryland.” *Kids Count Data Center*, Annie E. Casey Foundation, January 2024.
<https://datacenter.aecf.org/data/tables/5048-children-in-low-income-working-families-by-age-group?loc=1&loct=2#detailed/2/22/false/1095.2048.1729.37.871.870.573.869.36.868/34.35.36/11455.11456>

⁴ Annie E Casey Foundation, A profile of Youth and Adults in Baltimore, *available at*, [https://www.aecf.org/blog/a-profile-of-youth-and-young-adults-in-baltimore#:~:text=Poverty%20increased%20among%20Baltimore's%20school,and%20U.S.%20\(19%25\)%20rates](https://www.aecf.org/blog/a-profile-of-youth-and-young-adults-in-baltimore#:~:text=Poverty%20increased%20among%20Baltimore's%20school,and%20U.S.%20(19%25)%20rates).

⁵ Kim, Hyunil, et al. “Lifetime Prevalence of Investigating Child Maltreatment among Us Children.” *American Journal of Public Health*, U.S. National Library of Medicine, Feb. 2017, [pmc.ncbi.nlm.nih.gov/articles/PMC5227926/](https://pubmed.ncbi.nlm.nih.gov/articles/PMC5227926/).

⁶ Minoff, Elisa, and Alexa Citrin. “Systemically Neglected.” *Center for the Study of Social Policy*, Mar. 2022, cssp.org/wp-content/uploads/2022/03/Systemically-Neglected-How-Racism-Structures-Public-Systems-to-Produce-Child-Neglect.pdf.

⁷ “Racial Justice.” *Children’s Rights*, 22 Oct. 2024, www.childrensrights.org/focus-areas/racial-justice.

⁸ Williams, S. C., Rosenberg, R., & Martinez. “State-level data for understanding child welfare in the United States - Child trends.” *ChildTrends*, 9 July 2024, <https://www.childtrends.org/publications/state-level-data-for-understanding-child-welfare-in-the-united-states>.

⁹ Trivedi, Shanta. “The Harm of Child Removal.” *NYU Review of Law & Social Change* 43(3) 523, 542 (2019).



family integrity and the reciprocal rights for parents and children to be together.¹⁰ Yet, families are not even afforded minimal procedural protections when the family regulation system knocks on this door. HB 223 is an important first step to protecting our most marginalized families.

We hope that the committee acts on this opportunity to protect marginalized families and that the Maryland legislature will use this as a starting point to shift its focus away from systems that police families, to systems that support families.

Sincerely,

Elizabeth Rossi, Strategic Initiatives Director

Civil Rights Corps

Elizabeth@civilrightscorps.org

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¹⁰ The right to family integrity is one of the most important rights protected by the federal Constitution. One hundred years ago, the Supreme Court acknowledged the right of a fit parent to raise her children free from unjustified state intervention: it held that the “liberty” contemplated by the Due Process Clause includes the right of parents to “establish a home and bring up children” (and, therefore, the right “to control the education of their own”). *Meyer v. Nebraska*, 262 U.S. 390, 399, 401 (1923). Two years later, the Court reiterated that the “liberty of parents and guardians” includes the right “to direct the upbringing and education of children under their control.” *Pierce v. Society of Sisters*, 268 U.S. 510, 534–535 (1925). The Court later affirmed that it is “cardinal with us that the custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder.” *Prince v. Massachusetts*, 321 U.S. 158, 166 (1944) (considering the intersection between parental rights and religious freedoms). This fundamental right is reciprocal: “[T]he child and [their] parents” both “share a vital interest in preventing erroneous termination of their natural relationship.” *Santosky*, 455 U.S. at 760; *Berman v. Young*, 291 F.3d 976, 983 (7th Cir. 2002), *as amended on denial of reh’g* (June 26, 2002) (“Parents have a fundamental due process right to care for and raise their children, and children enjoy the corresponding familial right to be raised and nurtured by their parents”); *Jordan ex rel. Jordan v. Jackson*, 15 F.3d 333, 346 (4th Cir. 1994) (noting that delay in reunification of a family “implicates the child’s interests in his family’s integrity and in the nurture and companionship of his parents”); *Smith v. City of Fontana*, 818 F.2d 1411, 1418 (9th Cir. 1987), overruled on other grounds by *Hodgers-Durgin v. de la Vina*, 199 F.3d 1037 (9th Cir. 1999) (en banc) (“[The] constitutional interest in familial companionship and society logically extends to protect children from unwarranted state interference with their relationships with their parents.”); *see also* Shanta Trivedi, *My Family Belongs To Me: A Child’s Constitutional Right to Family Integrity*, 56 Harv. C.R.-C.L. L. Rev. 267, 277–84 (2021). And the state “spites its own articulated goals” of protecting “the moral, emotional, mental, and physical welfare of the minor” when it separates a child from his fit parent. *Stanley v. Illinois*, 405 U.S. 645, 652–53 (1972).



HB 223 - OPD Written Testimony in Support.pdf

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Position: FAV



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 223 - Know Before They Knock

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: February 13, 2025

The Maryland Office of the Public Defender (OPD) respectfully requests that the Committee issue a favorable report on **House Bill 223, which requires that parents be informed of their rights when being investigated by the Department of Social Services (DSS).**

This testimony is provided by OPD's Parental Defense Division (PDD) which represents parents and legal guardians from all 24 counties in Maryland who have experienced, or are at risk of, having their children removed by the State. Our multidisciplinary legal team—comprised of dedicated attorneys, experienced social workers, and parent advocates with lived-experience in the DSS system—ensures that families receive high quality legal representation during their Child in Need of Assistance and Termination of Parental Rights Cases.

House Bill 223 simply requires DSS to inform parents of their already-existing rights. The bill is rooted in a shared commitment to protect our children while ensuring that families are treated with fairness, dignity, and respect—values held dearly by all Marylanders across the political spectrum.

Protecting Families from Invasive Investigations and Government Overreach

Critics have suggested that this bill might create an adversarial dynamic between families and DSS. However, we must acknowledge that this relationship already exists. Families are distrustful of DSS because of the power that they wield to investigate them and ultimately separate them from their children. Our clients do not experience DSS visits as a supportive event.

Because of the *imbalance of power that already exists* in the current system, this bill is necessary to restore some power to families. No matter how nice, well-trained, or well-educated

the caseworker¹ or social worker is, reality cannot escape the fact that this stranger has the power to take the children away from the families that they are investigating. This imbalance of power is the reality that exists when DSS's Child Protective Services (CPS) comes knocking on their door. Requiring CPS to inform parents of their rights could actually improve relationships between the community and correct some of the power imbalance. If parents are informed of their rights and particularly if CPS is the one to provide the information, the relationship may be less adversarial because parents will not feel as though they are being tricked.²

When DSS investigates a family, the DSS caseworker announces that someone has reported that their children have been abused or neglected. The report may or may not be true. The identity of the reporter remains anonymous. The family that is being investigated is subject to a search of not only their house, but their dresser drawers, refrigerator, medicine cabinets, closets, beds, and every personal space a person can have in their home. DSS asks about the family's medical history, mental health status and treatment, medication, and living habits. They are asked about their past and present romantic partners. Their children are taken into another room and questioned and visually inspected with or without clothing. Many would agree that this would feel highly intrusive for a stranger to instantly have access to this deeply personal information. These investigations are not just frightening to parents but also to children who by and large are afraid of being removed from their families and communities. It is terrifying to have a stranger who is armed with the authority of the government intrude in a family's home.

In cases of newborns, DSS conducts assessments or investigations at the hospital almost immediately after a mother gives birth. Less than 48 hours after birth, DSS can come to a hospital room and ask these invasive questions to mothers recovering from childbirth while wielding the power to remove their newborn baby right from the hospital.

Ensuring Child Safety While Empowering Parents

In cases of genuine emergency, where a child's safety is in immediate jeopardy, DSS and law enforcement has the authority to act swiftly. This law would not change that. This bill does not alter Family Law Article 5-709 which allows DSS and/or the police to "access the children when there is probable cause to believe that a child is in serious immediate danger."

¹ In Baltimore City, the jurisdiction that handles the majority of cases in Maryland, most caseworkers do not have a social work license.

² Connecticut, one of the first states in the country to experiment with this issue, has proven that informing parents of their rights actually helps investigations go more smoothly. According to the deputy commissioner of operations at the Connecticut Department of Children and Families, "there has been no negative impact on child safety" and the "greater transparency... [brings] down the anxiety of the interaction" during the initial investigation.

<https://www.propublica.org/article/child-welfare-search-seizure-without-warrants>

House Bill 223 applies to non-emergency situations, ensuring that before an investigation begins, parents know exactly what they are entitled to—without delaying urgent interventions when they are truly needed. House Bill 223 does not prevent DSS caseworkers and law enforcement officers from entering a home and removing children when there is an imminent safety concern. House Bill 223 applies to the majority of circumstances, when DSS workers are conducting non-emergency investigations.

It is a mistake to believe that DSS’s investigators are only entering homes in cases of emergencies. The overwhelming majority of DSS investigations, as evidenced by recent data from Federal Fiscal Year 2022 (FFY22), involve cases where no immediate danger is present.³ In these instances, informing parents of their rights is not only fair—it is a vital measure to ensure that families are not unnecessarily subjected to intrusive procedures that can cause lasting trauma. The majority of cases that DSS investigates involve no immediate emergency or danger. In FFY22, Maryland investigated over 17,000 children for allegations of child maltreatment. Out of those investigations, 4,900 of those children were “indicated,” which means DSS found enough evidence to determine the child had been abused or neglected. Therefore, in about 12,100 cases the State subjected families to CPS investigations where no abuse or neglect could be found. Out of the 4,900 children who had an indicated case, almost 3,000 of those children were indicated for neglect and not abuse. The majority of neglect cases are related to poverty. This is in no way meant to minimize the seriousness of child neglect; rather, it is to illustrate that in FY 2022, over 15,000 investigations were likely not emergencies.

Opponents of this bill suggest that investigation delays can be fatal to children, which is a dramatically overblown assertion. If the child is in serious imminent harm, as described, DSS and the police retain the authority under existing law to enter the home to remove the child. We all share the concern for child safety, however, we have swung so far into the direction of “better safe than sorry,” that we are investigating thousands of families whose children are not being harmed. This current approach fails to recognize that needless investigations and removals also cause significant and lifelong harm to children.⁴ In cases where children are alleged to be neglected, DSS is still going to be able to conduct their investigation. This bill simply informs parents as to what their rights are during the investigation and empowers families to make educated choices.

Preventing Hidden Foster Care and Protecting Family Unity

One particularly troubling consequence of current practices is the phenomenon of “hidden foster care,” where children are removed from their homes and placed with friends or relatives without

³ <https://cwoutcomes.acf.hhs.gov/cwodatasite/byState/maryland>

⁴ <https://imprintnews.org/opinion/child-welfare-reckons-with-the-harm-of-investigations/258536>

proper judicial oversight. This practice can separate children from their families indefinitely and without clear criteria for reunification and no court process or oversight. By ensuring that parents are informed of their rights from the outset, HB 223 helps prevent situations where families feel compelled to make hasty decisions—such as relinquishing custody—to avoid the threat of state intervention. In doing so, the bill helps preserve the natural bonds between parents and children while safeguarding the well-being of our communities. Parents facing desperate circumstances often feel compelled to do whatever they can to prevent the removal of their children—even if it means compromising their own rights and quickly signing contracts without realizing their long-term implications.

A Step Toward Racial Equity

It is also important to recognize that Maryland’s DSS system disproportionately affects Black families. Black children constitute 30.6% of the state’s population but account for 54.5% of the foster care population. Nationally, children from marginalized communities are more likely to be reported and investigated than their white peers. By mandating that parents are informed of their rights, HB 223 not only protects individual families—it also contributes to addressing systemic inequities, ensuring that all parents, regardless of race or background, are given the same opportunity to understand and exercise their rights.

Conclusion

House Bill 223 is not about hampering the state’s ability to protect children in genuine emergencies. Rather, it is a measured step that provides families with the information they need to safeguard their rights while collaborating with state agencies to ensure child safety. When parents understand what is and isn’t permissible during an investigation, they are better positioned to make decisions in the best interest of their children. This bill strengthens family integrity, prevents unnecessary separations, and ultimately supports a more just and equitable system.

For these reasons we urge the Committee to issue a favorable report for HB 223, recognizing that informed parents are key to keeping our children safe and our communities strong. Thank you for your time and consideration.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.

Authored by: Nenutzka Villamar, nenutzka.villamar@maryland.gov, Hayley Lichterman, hayley.lichterman@maryland.gov, and Natasha Khalfani, natasha.khalfani@maryland.gov

Caucus support letter

Uploaded by: Jheanelle Wilkins

Position: FAV



LEGISLATIVE BLACK CAUCUS OF MARYLAND, INC.

The Maryland House of Delegates, 6 Bladen Street, Room 300, Annapolis, Maryland 21401

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Dear Chair and Members of the Committee,

The Legislative Black Caucus of Maryland offers its strong and favorable support for House Bill 223 (HB 223) – the “Know Before They Knock” Family Right to Notice Act. This bill requires local departments of social services and law enforcement agencies to provide oral and written notice of certain rights to a parent or caretaker at the time of initial contact during a child abuse or neglect investigation. Additionally, it ensures that any evidence obtained in violation of this Act is excluded from judicial or administrative proceedings, reinforcing due process and fairness for families involved in these investigations.

Black Marylanders are disproportionately impacted by child welfare investigations, with national data indicating that 53% of all Black children will be subject to such investigations by the time they turn 18. These investigations too often lead to unnecessary family separations, increased trauma, and further entrenchment in systemic injustice. HB 223 directly addresses these disparities by ensuring that Black families are fully informed of their rights and have the ability to make decisions with legal counsel before engaging in an investigation. By implementing clear, transparent, and standardized notice requirements, this bill helps prevent coercive practices, racial bias in child welfare cases, and unnecessary disruption to Black families. It is a necessary safeguard against a system that has historically over-surveilled and penalized communities of color.

By protecting Black parents and caretakers from being unknowingly pressured into compliance with intrusive investigations, HB 223 promotes transparency, accountability, and fairness in child welfare proceedings. Ensuring that families receive written notice of their rights will help level the playing field, empowering Black parents with the knowledge they need to navigate the system and protect their children. This legislation upholds the fundamental right of Black families to be treated with dignity and respect, reducing the likelihood of unwarranted state intervention and keeping families together.

For these reasons, the Legislative Black Caucus of Maryland strongly supports HB 223.

Legislative Black Caucus of Maryland

HB223.pdf

Uploaded by: Lucy Donofrio

Position: FAV

POSITION ON PROPOSED LEGISLATION

BILL: House Bill 223 - Know Before They Knock

FROM: Lucy Donofrio, LCSW-C

POSITION: Favorable

DATE: February 13, 2025

My name is Lucy Donofrio and I am a licensed clinical social worker. I work for the Maryland Office of the Public Defender's Parental Defense Division, however I am submitting this testimony on my personal behalf as a resident of Baltimore City. I am writing to urge a favorable report on House Bill 223.

I began my career working with young children, teenagers, and their families, providing therapeutic services aimed at enhancing not only the well-being of individuals but also the strength of our communities. I have dedicated myself to this work because I care deeply about people and their potential for growth and healing. Currently, I focus on supporting parents seeking to reunify with their children after separation, believing wholeheartedly that my efforts contribute to the overall well-being of families and, in turn, the health of our society.

It is a best standard of practice in social work to ensure that the people you interact with have an understanding of your role as the professional. Social workers value informed consent. By providing parents with clear information about their rights at the outset of an investigation, social workers conducting these investigations are more likely to fulfill their ethical obligation to families. Social workers can effectively fulfill their responsibility to protect children while also upholding their ethics—these two goals are not mutually exclusive.

When a child protective services (CPS) investigator arrives at a parent's door, an inherent power imbalance is present. A state agency is entering the home, which naturally creates an atmosphere of fear and intimidation, whether implicit or explicit. Parents have shared with me their feelings of confusion, fear, helplessness, and frustration during such encounters. They often feel powerless, unsure of what they are entitled to know, say, or express. Many worry that displaying any emotion could lead to being labeled as mentally ill or unstable, which could further jeopardize their situation. Additionally, parents are often unaware of their fundamental rights, nor do they understand the rights of their children. This lack of knowledge compounds the stress and uncertainty they face during an already difficult time.

Knowing their rights enables parents to engage with the Department of Social Services while still protecting their relationship with their children. This awareness can help them avoid situations where the investigation might lead to more harm than necessary or cause unnecessary separation from their children. I see the devastating impact of family separation on children and adults every day in my current role. These non-emergency reports need to be handled with care and responsibility so that families that need help get help, without traumatizing them.

I urge you to issue a favorable report on HB223.

HB223_Spaccasi_ACLUMD.pdf

Uploaded by: Olivia Spaccasi

Position: FAV



Testimony for the House Judiciary Committee

February 13, 2025

HB 223 - Family Law - Child Abuse and Neglect Investigations ("Know Before They Knock" Family Right to Notice Act)

FAVORABLE

OLIVIA SPACCASI
PUBLIC POLICY PROGRAM
ASSOCIATE

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The American Civil Liberties of Maryland urges a favorable report on HB 223, which would require that parents and guardians are informed of their rights during a child welfare investigation.

The rights outlined in HB 223 already exist. However, many people do not know what their legal rights are during a child welfare investigation. Moreover, many people do not know that if they choose to exercise these rights, there may be serious consequences, including the potential removal of the child from the home. This bill ensures that parents and legal guardians faced with a child welfare investigation can move through the process as informed as possible. The bill also includes an exclusionary rule which bars evidence found in violation of the statute from being used in judicial and administrative proceedings that could arise from the investigation.

The Child Welfare System Disparately Impacts Historically Underserved Communities

The child welfare system in the United States disproportionately investigates and removes Black and Indigenous children and those living in poverty.¹ Nationally, Black families experience disproportionate involvement in the child welfare system, with higher rates of investigation, removal from their parents, and termination of parental rights compared to white children."² One study estimates that over 50% of Black children will experience a child protective services investigation by the time they are 18.³ Indigenous parents are up to

¹ <https://psycnet.apa.org/record/2021-15632-012>

² <https://www.americanbar.org/groups/litigation/resources/newsletters/childrens-rights/racial-discrimination-child-welfare-human-rights-violation-lets-talk-about-it-way/>

³ <https://pmc.ncbi.nlm.nih.gov/articles/PMC5227926/>



AMERICAN CIVIL LIBERTIES UNION
FOUNDATION

Maryland

four times more likely to have their children taken than their non-Indigenous counterparts.⁴ Additionally, 4.9% of white children will experience foster care placement before their eighteenth birthday, compared to 15.4% of Native American children and 11% of Black children.⁵ Both of these groups are historically underserved and experience disproportionately high rates of poverty. Conditions of poverty are often deemed indicators of neglect and are the main reason for child welfare agency involvement and removal in the majority of cases nationwide.⁶ In Maryland, Department of Human Services listed indicators of neglect include many symptoms of poverty.⁷ Additionally, COMAR definitions of neglect are extremely vague.⁸

While Child Protective Services may be well intentioned, there is a high degree of subjectivity in these investigations. Additionally, because the welfare of a child is in question, the stakes are incredibly high for both investigators and families. Parents, in the spirit of being cooperative, may not know that they have certain rights during the process and may be too fearful to ask. While cooperation is encouraged and non-cooperation can have serious impacts, this should not preclude parents from being advised of their rights.

For the foregoing reasons, we urge a favorable report on HB 223.

⁴ <https://www.hrw.org/news/2022/11/17/us-child-welfare-system-harms-families>

⁵ <https://cssp.org/wp-content/uploads/2018/11/CSSP-Entangled-Roots.pdf>

⁶ <https://nationalcasagal.org/the-common-thread-in-child-removal-neglect-not-abuse/>

⁷ <https://dhs.maryland.gov/child-protective-services/reporting-suspected-child-abuse-or-%20neglect/signs-neglect-abuse/>

⁸ <https://dhs.maryland.gov/child-protective-services/reporting-suspected-child-abuse-or-%20neglect/what-is-child-abuse-and-%20neglect/#:~:text=The%20failure%20to%20give%20proper,injuries%20are%20sustained%20or%20not.>

Written Testimony - HB 223.pdf

Uploaded by: Shanta Trivedi

Position: FAV

Support HB 223

Family Law – “Know Before They Knock” Family Right to Notice Act - Testimony of Shanta Trivedi, Esq.

Thursday, February 13, 2025

House Judiciary Committee

Delegate Clippinger, Vice-Chair Bartlett and Members of the Committee:

Shanta Trivedi serves as the Faculty Director and Aubrey Edwards-Luce is the Executive Director of the Sayra and Neil Meyerhoff Center for Families, Children, and the Courts (CFCC) at the University of Baltimore School of Law. CFCC envisions communities where children and families thrive without unnecessary involvement in the legal system. We engage communities as we work tirelessly to transform systems that create barriers to family well-being. Additionally, Professor Trivedi teaches courses on Family Law and the Child Welfare System and writes about the child welfare system, particularly as it affects low-income and minority families. Professor Trivedi has also represented hundreds of parents who have been separated from their children or who were at risk of being separated while Director Edwards-Luce has represented hundreds of children in these proceedings. **We urge you to issue a favorable report on HB223.**

HB223 simply makes clear that basic constitutional protections apply in child welfare investigations. It would ensure that child welfare and law enforcement agents advise parents of their rights upon commencement of an investigation, allowing them to make informed decisions throughout the investigation process. States that have passed similar laws have found that they keep children safer because transparency from the agency encourages families to be more forthcoming.¹

In 2021, 21,234 of Maryland’s children and their families were subjected to a child welfare investigation. After investigation, the Department of Social Services concluded that there was maltreatment in only 27 percent of those cases.² Thus, almost 75 percent of those children and their families were subjected to unnecessary intrusions into their lives.

Investigations, even if they do not lead to a removal, can cause extreme harm to children. Children are awakened in the middle of the night by strangers, they are asked deeply intrusive questions about their parents and their lives, they are often asked about sex, sometimes hearing words related to sexual activity for the first time in their lives. They are also asked to remove their clothing so that strangers can inspect their naked bodies for marks and bruises, even when there are no allegations of physical harm. Child protective services CPS investigators pull children out of their classrooms, alerting their peers and educators to the fact that they are part of a child welfare investigation causing deep humiliation.³ Throughout, children understand that the threat of being taken from their parents is ever-looming. Educating parents about their rights and how to assert them could prevent children from experiencing the harms of non-emergency investigations.

Nationwide, states are passing laws to ensure that parents know their rights during CPS investigations. To date, Connecticut, Texas, Florida, Montana and Arizona have all passed these laws and New York and Delaware have introduced similar legislation. Maryland should join these states to be leader on this issue – making clear that we too believe that families deserve to know their basic constitutional rights to prevent government overreach while simultaneously ensuring that children are safe through other provisions of law.

The goal of the child welfare system is to protect children. Because we believe this bill is an important step in ensuring that Maryland’s children do not experience unnecessary harm at the hands of those charged with safeguarding their well-being, **we urge you to support HB223.**

¹ Eli Hager, *Police Need Warrants to Search Homes. Child Welfare Agents Almost Never Get One*, PROPUBLICA (Oct. 13, 2022) <https://www.propublica.org/article/child-welfare-search-seizure-without-warrants>

² *State-Level Data for Understanding Child Welfare in the United States*, CHILD TRENDS, <https://www.childtrends.org/publications/state-level-data-for-understanding-child-welfare-in-the-united-states>

³ See e.g. HINA NAVEED, HUMAN RIGHTS WATCH, *IF I WASN’T POOR, I WOULDN’T BE UNFIT: THE FAMILY SEPARATION CRISIS IN THE US CHILD WELFARE SYSTEM* 63 (Nov. 17, 2022) available at <https://www.hrw.org/report/2022/11/17/if-i-wasnt-poor-i-wouldnt-be-unfit/family-separation-crisis-us-child-welfare> (A caseworker visited the children’s school and pulled them from class to question them, came to the home unannounced, and randomly strip searched the children, ages 1, 4, 7, 9, and 10, to check their bodies for signs of abuse. Adaline said these visits were so frightening for her children that her youngest child began screaming every time she saw anyone with a badge.)

Del Charlotte Crutchfield Testimony for HB 223 Fam

Uploaded by: Charlotte Crutchfield

Position: FWA

CHARLOTTE A. CRUTCHFIELD, ESQ.
Legislative District 19
Montgomery County

DEPUTY MAJORITY WHIP

Judiciary Committee

Subcommittees

Chair, Family and Juvenile Law

Public Safety



The Maryland House of Delegates
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410-841-3485 · 301-858-3485
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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

February 13, 2025

The House Judiciary Committee
The Honorable Luke Clippinger
6 Bladen Street,
House Office Building, Room 101
Annapolis, MD 21401

Re: House Bill 223: Family Law-Child Abuse and Neglect Investigations (“Know Before They Knock” Family Right to Notice Act

Dear Chairman Clippinger and Members of the Committee:

For decades now, “Miranda Rights” have laid the foundation for protecting someone’s Constitutional rights during a criminal investigation. However, these protections are nonexistent for parents or guardians who are involved in child welfare investigations, even though there are many similarities between the intrusive nature of a criminal investigation and a child welfare investigation.

HB223 will require that the Department of Human Services or law enforcement provide parents or guardians notice of their rights prior to the commencement of a non-emergency child welfare investigation resulting from alleged abuse or neglect. Also, known as “Miranda Rights” for parents. Miranda Rights will be given to parents or guardians in writing to explain the details of the proceedings; including rules; and their rights to cooperate or decline any requests during an investigation.

Caseworkers are permitted to do broad, sweeping searches of parent’s homes in the name of child safety. However, the invasiveness of these searches generates more trauma and long-term consequences for the children and family unit. Especially since most of these investigations do not find any evidence of child maltreatment. By requiring that case workers provide parents under investigation with clearly delineated rights, we are taking the first step in a direction towards mitigating institutional harm.

Child welfare investigations are often initiated with a much lower standard of suspicion than criminal investigations, and many of them yield no findings of child abuse or neglect.¹ Yet, homes and even bodies are being searched unfettered, day in and day out, in blatant violation of both parents' and children constitutionally protected right to privacy and family integrity.

Caseworkers doing investigations not only have the authority to search far outside of the scope of the allegations being investigated, they are also permitted to "strip search children" during their scrutiny into someone's private life under the threat of separating children from their families if parents and caretakers do not cooperate.² In Maryland in 2021, 21,367 children were the subjects of child welfare investigations, of those children investigated, approximately 15,000 (71%) of the children investigated had their cases closed with no evidence of abuse or neglect. Of the approximately 6,000 children who had allegations substantiated 60% (approximately 3,718) were found to have experienced some form of neglect. Of which the majority would remain in the home and families would receive services through alternative response.³ This means that most families that were investigated were unnecessarily subjected to invasive searches without being informed of their rights beforehand. The harms of this kind of intrusive investigation by case workers outweigh the purported goals of keeping children safe.

Further, a child welfare investigation often directly involves police. Caseworkers enlist the help of law enforcement to both enter the home and conduct the investigation, especially when parents refuse entrance into their homes.⁴ While police officers are not able to enter and search the home of a criminal suspect without a warrant in a criminal matter, these same police can enter the home, assist the worker in searching the home, question parents and use force to remove a child without a warrant and without advising the parent of their rights while on a call for an investigation.

Absent proper Miranda warnings and advisement, parents' rights are further violated in that any evidence collected during a child welfare investigation is automatically forwarded to the State's Attorney's Office under COMAR. Anything that caseworkers find during these investigations may be used to leverage criminal prosecution against the adults in the home.

Requiring caseworkers to inform parents of their rights holds the workers accountable to their actions and creates a means by which individuals can protect themselves against broad, warrantless, and unnecessary searches.⁵ It protects children from the trauma that comes from the threat of being removed from a loving home and allows parents to make informed decisions to keep their children and families safe. Additionally, because these systems disproportionately impact black and brown families and their children, it is even more important to enact legislation that protects the marginalized and vulnerable members of our community.⁶ Statistically it is

¹ <https://cwoutcomes.acf.hhs.gov/cwodatasite/pdf/maryland.html>

² [NY Times](#)

³ <https://cwoutcomes.acf.hhs.gov/cwodatasite/pdf/maryland.html>

⁴ <https://www.propublica.org/article/child-welfare-search-seizure-without-warrants>

⁵ [Family Court Justice: Miranda Rights for Families | NYU Wagner](#)

⁶ *Id.*

projected that by the age of 18, 53% of all black children nationwide will be subject to a child welfare investigation.

Those who are against implementing “Miranda Rights” for parents claim that it will prevent workers from being able to do necessary searches and will jeopardize the safety of children.⁷ However, In a Pro Publica article published last year, Connecticut, one of the first states in the country to experiment with this issue, has proven that providing parents with “Miranda Rights” actually helps investigations go more smoothly.⁸ According to the deputy commissioner of operations at the Connecticut Department of Children and Families, “there has been no negative impact on child safety” and the “greater transparency... [brings] down the anxiety of the interaction” during the initial investigation.⁹ Texas has also followed suit and they passed their own “Miranda Rights” for parents legislation.¹⁰ In 2023, a similar Bill, Senate Bill S901, was introduced in New York and passed in 2024. And Delaware has also introduced similar legislation.¹¹

I respectfully request a favorable report for House Bill 223 with amendments.

Sincerely,

A handwritten signature in black ink that reads "Charlotte Crutchfield". The script is cursive and fluid, with the first name and last name clearly legible.

Delegate Charlotte Crutchfield

⁷ <https://hrlr.law.columbia.edu/files/2023/03/Newport-Finalized-5.23.23.pdf>

⁸ <https://www.propublica.org/article/child-welfare-search-seizure-without-warrants>

⁹ *Id.*

¹⁰ <https://capitol.texas.gov/tlodocs/88R/billtext/pdf/HB00730F.pdf#navpanes=0>

¹¹ <https://gothamist.com/news/nyc-parents-facing-child-welfare-investigations-set-to-get-rights-notice>

WMS HB0223.pdf

Uploaded by: Alycia Stack

Position: UNF

Marsha L. Williams, Esq.
Kathleen M. McClernan, Esq.
Alycia E. Stack, Esq.

Tiffany Young, Esq. Associate



Williams | McClernan | Stack
ATTORNEYS AT LAW

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February 11, 2025

Maryland General Assembly
House of Delegates
Judiciary Committee

Re: HB0223 UNFAVORABLE

Dear Committee Members,

We, the attorneys of Williams, McClernan, and Stack LLC (WMS), are writing to share our opposition to HB0223. This bill will endanger children, leading to more children in Maryland suffering abuse and serious neglect.

WMS is made up of four attorneys- Marsha Williams, Kathleen McClernan, Alycia Stack, and Tiffany Young. Collectively we have over 50 years of experience representing children in Maryland's child welfare courts, both as staff attorneys for Maryland Legal Aid (Marsha, Alycia, and Tiffany) and as a private law firm. Kathleen McClernan has represented criminal defendants in Maryland both as a public defender and as a private attorney.

We know that our system works best when everyone involved understands their rights. Our concern with HB0223, however, is that it does not say that government investigations should *always* inform people of their rights. HB0223 *only* applies when the suspected victim is a child. This bill takes the Miranda warning, which presently only applies to criminal investigations, and applies it to civil matters. Not only that, but it applies this warning to every interaction of the Department of Social Services when it investigates child abuse and neglect. This creates a burden that is not required in any other civil government investigation- not in environmental violations, elder abuse, animal abuse, housing code violations, employment discrimination, or workplace violations. The government would be required to provide these warnings at the initial stage only if the victim is a child. Effectively, this singles children out for diminished protection. This diminished protection endangers children and should not be approved.

As drafted, this new legislation includes an "exclusionary clause" which greatly heightens the danger that it poses to children. The exclusionary clause, or any form of it, would enable child abuse and neglect to continue based on a technicality. The

exclusionary clause would prevent the Department and Courts from protecting children just because a worker made a paperwork mistake. This bill simultaneously creates copious new notification requirements while allowing the results of an investigation to be repressed for any violation of them. It sets the Department up to fail. A Court could be forced to return a child to a clearly abusive or dangerous situation because of a mistake regarding the notifications. There is no doubt that this will lead to serious harm and injury to some children. It may very well lead to child deaths.

This bill also states that parents can refuse to allow a worker to interview children, even where there is a report of abuse or serious neglect. Child Protective Services must be able to interview children 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.

The proposed bill will lead to excessive removal of children in some cases. A CPS investigator 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. 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. This bill will lead to both over- and under-removals, harming children in both cases.

Deaths of children from abuse and neglect are rising in Maryland. This bill will exacerbate this problem. We implore you to give this bill an unfavorable report.

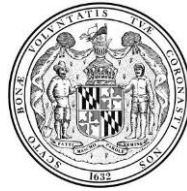
Sincerely,

<i>Marsha L. Williams</i>	Kathleen M. McClerman	<i>Alycia E. Stack</i>	<i>Tiffany Young</i>
Marsha L. Williams	Kathleen M. McClerman	Alycia E. Stack	Tiffany Young

Letter of Opposition HB233 (2025).pdf

Uploaded by: Amanda Leonard

Position: UNF



OFFICE OF
THE STATE'S ATTORNEY
FOR DORCHESTER COUNTY

AMANDA R. LEONARD
STATE'S ATTORNEY

HB223/553825/1- UNF

February 10, 2025

Amanda R. Leonard
State's Attorney
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HB223, Family Law- Child Abuse and Neglect Investigations ("Know Before They Knock" Family Right to Notice Act) is opposed by the Dorchester County State's Attorney's Office. This bill will pose serious risks to vulnerable children. There are no additions to this bill that actually benefit the class of people the law is designed to protect- children. In reality, the proposals of this bill have the propensity to delay investigations days or even weeks, which in matters of child abuse or neglect could mean the difference of life or death.

This bill, nor its proposed amendments establish a clear definition of "parent" nor "caretaker." If there is ambiguity as to which parent is the maltreater, or which caretaker is responsible for the child victim at the time of the CPS investigation, is the burden upon CPS to resolve such ambiguity? With specific requirements for signatures, and serious consequences proscribed by the bill, one would think those definitions would not be left for interpretation.

In terms of the consequences proscribed, it seems incredibly dangerous to the child to threaten removal from the home as a penalty for failing to cooperate with the investigation. Certainly, Child Protective Services has, and will maintain measures for removing a child from a home if and when there is a provable safety risk. Removal not based on such safety assessment does nothing but cause unreasonable mental strife on the children that the State should be aiming to protect.

HB233, if passed, will cause harmful delays to investigations, is ambiguously written, creates a criminal-like standard to investigations that will undoubtedly result in a lack of cooperation, and simply cannot benefit the children in the State. Dorchester County State's Attorney's Office is **OPPOSED**.

HB223.1.pdf

Uploaded by: Anastasia Prigge

Position: UNF

Anastasia T. Prigge
Office of the State's Attorney
8 Church Circle
Annapolis, Maryland 21401
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Saprig84@aacounty.org

RE: HOUSE BILL 233

OPPOSED

Dear Members of the House of Delegates:

My name is Anastasia Prigge, and I am the Chief of the Special Victim's Unit at the Anne Arundel County State's Attorney's Office. I have been a prosecutor/Assistant State's Attorney for 27 years. I have spent the vast majority of my career fighting to eradicate child abuse as well as domestic violence. I am a member of our Multi-Disciplinary Team at the Anne Arundel County Child Advocacy Center and serve as a member of the executive leadership team. Our Multi-Disciplinary Team is comprised of Department of Social Services social workers, child abuse Detectives from the Anne Arundel County Police Department, therapists and medical personnel trained in child abuse. I am writing to strongly oppose House Bill 233 as I believe there would be unintended consequences if the bill were passed.

Sadly, most child abuse is committed by family members or household members. When child abuse occurs in a home, especially sexual child abuse, it does not come with an owner's manual on how to handle what is likely a family's worst nightmare. It is a common scenario where a non-offending caregiver must choose between the child abuser or a blameless child with no power. I wish I could say in my experience that parents or guardians always put the abused child's interests first, but that is simply not the case. Many times, the child is called a liar, and reports of abuse are ignored. The abuser is then free to continue the abuse. There are many reasons why this can happen. Often the non-offending caregiver is without financial resources or is also a victim of abuse. Sometimes the non-offending caregiver is uneducated about child abuse or in other instances the non-offending caregiver simply loves the offender and prefers to ignore a credible account of child abuse. In other scenarios, one of the siblings could be the abuser while the other is a victim, with parents determined to protect the offending child.

The problem with House Bill 233 is that it does not protect abused children. While parental and guardian rights are important, abusers could benefit from House Bill 233 by blocking and obstructing legitimate Department of Social Services investigations. This bill in practice alerts parents that there are allegations about abuse, most likely in the home. The parent could pressure the child not to cooperate. In these situations, the child is often completely unprotected and wholly without recourse to be free from abuse, which can be constant. House Bill 233 could cut off one of the last avenues a child has to stop the abuse. In one of my worst cases, there was an offender on COMET supervision for possessing child pornography while he was free to abuse his two daughters for years because they did not know who to turn to as their mother supported the abuser.

The Department of Social Services must be able to conduct meaningful investigations free from obstruction for the sake of protecting a child who otherwise is powerless and without a voice. When our Multi-Disciplinary Team encounters an uncooperative family when there is good reason to suspect there is child abuse occurring, it is imperative that the potentially abused child has an opportunity to disclose abuse, free from coercion. Otherwise, the abuse could simply continue unabated, sometimes for years. We have been able to send Department of Social Services forensic investigators to schools to talk to children who we suspect are being silenced at home. In those situations, abuse frequently has been disclosed, and we have been able to hold offenders accountable. In other situations, the child, once separated from the abuser and non-offending caregiver, has been able to provide information about safety plans that are being violated. It is not uncommon for the non-offending caregiver to move the abuser back into the home once the initial Department of Social Services investigation is over. In that scenario, it is not a stretch that the abuse could start again.

On behalf of the Executive Leadership Team of the Child Advocacy Center for Anne Arundel County, we implore you not to pass this bill which would hinder our ability to protect the most vulnerable children in the State of Maryland.

Sincerely,

s/s Anastasia T. Prigge

HB223 oppose.pdf

Uploaded by: Darlene Wakefield, Esq.

Position: UNF

Darlene A. Wakefield
Lindsay Bandzwolek
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Of Counsel
Michael Katz

HOUSE JUDICIARY COMMITTEE
House Bil 223: Family Law-Child Abuse and Neglect Investigations ("Know before They
Knock" Family Right to Notice Act)

OPPOSE
February 13, 2025

The Law Offices of Darlene A. Wakefield, P.A. is a private child advocacy firm of 16 attorneys. Child advocacy law is the only law we practice. This firm has been in existence for 23 years. Personally, I have practiced Child In Need of Assistance (CINA) law in Maryland for 30 years having represented children, parents and a local department of social services. Currently, our firm represents 1,224 children in Baltimore City, Baltimore, Carroll, Cecil, Harford, Howard, Prince George's and Washington Counties. I have also practiced briefly in Montgomery County so I am familiar with that jurisdiction as well.

My comments in opposition to this bill as filed are summarized below.

1. **Is legislation really necessary?** Creating or amending a statute is not always the best way to address an issue. Has any thought been given to forming a taskforce to look at the issues raised? In particular, how can the stakeholders address the need for education of parents and guardians about the rights as it relates to investigations conducted by the local departments of social services (DSS). The Office of the Public Defender (OPD) has the Better Together initiative which they say is working well in Baltimore City. Can we simply put forth efforts to expand that program into other jurisdictions and find ways to get the information into the hands of parents and guardians? Will DHS agree to make a regulatory change or policy change which may incorporate the notice provisions included in the bill instead of mandating same via statute?
2. **The requirements of the Bill as written will result in unnecessary evidentiary hearings in the already overburdened Juvenile Courts.** As drafted on page 5, paragraph 4, lines 3 through 6, evidence obtained from entry into the home if written notice of "rights" is not provided will result in exclusion of that evidence. If DSS files a Child In Need of Assistance (CINA) petition with allegations of abuse/neglect of a child, the OPD can raise objection to the evidence supporting the allegations. Will we be conducting these Motion hearings at the time of shelter or some other pre trial motion hearing? **If the allegations are serious but the Court finds that the evidence is excluded, how is that protecting our children?** What recourse does child's counsel have at that point? Will DSS be required to conduct another investigation and then file a petition with new evidence? In the meantime, aren't we

potentially continuing to put children in harm's way? Another issue is what is informed consent as it relates to parents/guardians who may have mental health issues or under the influence of substances as is often the case? How will the Court decide between parents who say they waived their right to DSS investigating and now say they were not offered those rights and a violation occurred vs. the DSS caseworker who says they fully informed the parent but he/she refused to sign?

Note: It is our understanding that an amendment may be offered to delete lines 3 through 6 on page 5, which will strike the evidentiary paragraph. If offered, we support this amendment.

3. **Does the OPD have enough attorney resources to be readily available to parents/guardians?** If a parent/guardian wants to call the OPD for assistance of counsel with regard to the investigation, attorneys from the OPD must be available to assist them. Otherwise, there will be undue delay in the investigation. Our experience currently in some of the jurisdictions in which we practice is that often cases have to be held over or otherwise delayed because the OPD is stretched too thin because they are covering multiple jurisdictions for CINA hearings. It is difficult to imagine that the OPD has the resources available to rapidly assist in advising and being present with parents/guardians for investigations.
4. **The bill presumes that children who are the subject of the investigation agree with their parents and do not want to be interviewed.** Maryland is a client directed model for child's counsel for children who are determined to have considered judgment. This type of representation assumes that children have a right to independent decision making. If this legislature has determined that children have an independent voice, why are we permitting a parent to hinder the investigation by preventing the DSS caseworker from talking with a child at the time of the investigation? **It is the very children who are being kept away from investigators who need to be interviewed.** We have experienced numerous situations in which children are being hidden in homes and kept away from the outside world so that abuse/neglect can continue. Children of all ages are being kept in locked rooms, denied food and medical care. Case workers **must** have access to a child to determine if allegations are founded. At the very minimum, case workers must be allowed to "lay eyes" on children if non-verbal and interview children who are age appropriate.

The rights of parents must always be weighed against the best interest and rights of children. This legislature has mandated time frames for immediate investigations for reports of suspected abuse and neglect of children. Why would it now allow a change in our laws to hinder and delay those investigations? We have seen too many cases where one day would have made a difference between the life and death of a child. We strongly urge you to vote against delay and for the rights of Maryland's children by opposing HB223.

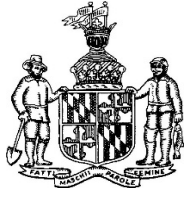
Respectfully submitted,

Darlene A. Wakefield, Esq., President

Feinstein Opposition Letter HB223.pdf

Uploaded by: Debbie Feinstein

Position: UNF



STATE'S ATTORNEY
JOHN J. MCCARTHY

State's Attorney for Montgomery County

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DEPUTY STATE'S ATTORNEYS
PETER A. FEENEY
RYAN S. WECHSLER

February 11, 2025

The Honorable Luke Clippinger
6 Bladen Street
Annapolis, MD 21401

Dear Chair Clippinger and Committee Members:

On behalf of the Maryland State's Attorneys' Association (MSAA), we write in opposition to House Bill 223—Family Law—Child Abuse and Neglect Investigations ("Know Before They Knock" Family Right to Notice Act). I am the Chief of the Special Victims Division for the Montgomery County State's Attorney's Office and supervise child abuse and neglect prosecutions in Montgomery County. Joyce King is the Chief Counsel for the Frederick County State's Attorney's Office. Together, we co-chair the MSAA Special Victims' Subcommittee that brings together child abuse and domestic violence prosecutors from around the State to discuss and collaborate on issues of interest.

House Bill 223 proposes significant changes to the investigation of child abuse and neglect criminal and civil investigations in our State. Essentially, HB 223 creates a system of rights that extends well beyond the current constitutional requirements for statement taking and evidentiary collection in criminal cases. In addition, it places social workers and other child welfare workers in the role of police officers, requiring them to give an advice of rights to parents and caregivers before engaging in an any investigation, including gathering basic information and home visits.

Simply put, this bill will put children in danger by delaying the investigation process, hampering evidence gathering, and impeding necessary medical or other treatment for the child. Not only does this bill superimpose constitutional rights guaranteed in criminal cases onto non-criminal child abuse and neglect investigations, but this bill adds additional rights that are not currently afforded to suspects in criminal investigations.

First, the bill gives rights to non-offending parents and caregivers who may invoke their new right not to speak to investigators in order to protect the sexual or physical abuser, which undermines justice and offender accountability and the safety of children. Second, this bill will enable offenders and others time to destroy or alter evidence and to modify their surroundings. For example, in a physical abuse case that does not rise to the level of a criminal case, the offender may remove the implement of abuse (a belt, cord, iron, etc.). Third, any delay in investigation could result in a delay in medical care for a child. Without a specific understanding of the chronology of events, an investigator may not have grounds to mandate medical care for the child.

Given the significant risks to Maryland's children outlined above, we urge this Committee to issue a unfavorable report on HB223.

Sincerely,

Joyce R. King

Joyce R. King
Chief Counsel
Frederick County State's Attorney's Office

Debbie Feinstein

Debbie Feinstein
Chief, Special Victims Division
Montgomery County State's Attorney's Office

HB0223 CPMC UNFAV.pdf

Uploaded by: Diana Philip

Position: UNF

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).**¹

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**

¹ 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.

safety risk HB223.docx.pdf

Uploaded by: judith Schagrin

Position: UNF

House Judiciary Committee

House Bill 223: Family Law – Child Abuse and Neglect Investigations (“Know Before They Knock” Family Right to Notice Act)

****OPPOSE****

February 13, 2025

House Bill 223: Family Law – Child Abuse and Neglect Investigations (“Know Before They Knock” Family Right to Notice Act) 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. Forcing caseworkers into a policing posture is antithetical to the family engagement for which caseworkers strive, and overlooks the rights of children as separate people in their own right.

The history of child protection in the United States shows children were once considered possessions of their parents rather than separate human beings deserving of protection. Even today children are the only class of citizens allowed to be hit, albeit within limits. Until child protection laws were enacted in the 1960’s, the social norm that “what happened in the family stayed in the family” took precedence over children’s safety. Measures to delay investigations are reminiscent of that era; by setting child protection back years, children will be placed at risk. A recent [Baltimore Banner article](#) shared alarming information about an increase in child fatalities in Maryland for which we need to better understand, and this bill isn’t the strategy to address this tragic outcome.

Although anyone can make a child protective services report, local departments use a screening tool to determine whether a report meets the standard for investigation. Once accepted, current Maryland law stipulates the **“local department or appropriate law enforcement...shall see the child... (and) decide on 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. Neglect is easy to minimize and horrific to wrap our brains around. However, data shows that children die more often of neglect than abuse, and delays of days or weeks can make the difference between life and death. *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.*

From the decades of our NASW-MD members’ public child welfare experience, we can assure you descriptions of Child Protective Services interventions reminiscent of a made for TV Lifetime Channel movie are not representative of the practice, but instead one-sided and simply dishonest. Caseworkers, for example, neither ransack homes nor strip children, inflammatory claims of those without CPS expertise.

Child maltreatment reports are typically symptomatic of a family in pain, and the goal is to help by making community referrals, using flexible funding to defray pressing expenses, and providing family support services. In fact, Maryland is successful keeping children safe in that the rate of repeat maltreatment within a year is very low. The family separation rate, too, is very low; at 1.1% per thousand, Maryland has the second lowest placement rate in the country. We ought to be lauding those achievements, not watering down the protection of children.

The bill indicates that exercising the rights prescribed by the bill can result in the caseworker filing a petition to separate a child from the family. However, ***removing a child from their family should never be threatened as the consequence for failing to cooperate without a provable safety risk to the child.*** Without being able to speak with the parent and interview the child, the risk to the child can't be assessed. Removals for lack of cooperation will be about erring on the safe side, not based on a risk and safety assessment nor failed efforts to preserve the family. That damages children.

To summarize, is a bill that expands no new rights to parents, but imposes a criminal-like standard for investigating child maltreatment reminiscent of a time when children were merely chattel of their parents, not separate humans deserving of safety and protection in their own right. Since children have no voice, we ask you to oppose HB0 223 on their behalf.

Judith Schagrin, LCSW-C
Legislative Committee

HB 223 - Know before they knock opposition(2).pdf

Uploaded by: Lindsey Carpenter

Position: UNF



J. CHARLES SMITH, III
STATE'S ATTORNEY

KIRSTEN N. BROWN
DEPUTY STATE'S ATTORNEY

STATE'S ATTORNEY'S OFFICE

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DISTRICT COURT DIVISION
301-600-2573

CHILD SUPPORT DIVISION
301-600-1538

JUVENILE DIVISION
301-600-2980

DATE: February 11, 2025

BILL NUMBER: HB 223

POSITION: Unfavorable

The Maryland State's Attorney's Association and the Frederick County State's Attorney's Office oppose HB 223.

HB 223 mandates rights to individuals who are not necessarily the subject of a criminal investigation, that are far beyond the constitutional rights even afforded to individuals who are the subject of a criminal investigation, while putting the safety and well-being of children at significant risk.

The cases that are referred to the Department of Social Services and Child Protective Services (CPS) inherently involve offenders who are parents, caregivers, family members, and household members. CPS's mission is to protect children from abuse and/or neglect by those who are entrusted with their care and well-being. Moreover, CPS investigations are not necessarily criminal investigations. Instead, under current law, a joint investigation with law enforcement is only required if the report involves sexual abuse of a child. Many CPS investigations involving physical abuse or neglect of a child are never investigated by law enforcement.

Under this proposed legislation the CPS worker would be required to notify the parent or caretaker of all of the allegations being investigated at the outset of the investigation even if the parent or caretaker is the maltreater. This puts the child victim at significant risk and jeopardizes the integrity of the investigation. This notification is not even required for individuals who are the subject of a criminal investigation.

Under the legislation as proposed, the scenario I envision is that a child reports at school that they are being abused by a parent or caretaker. Within 24 hours CPS responds to the home to do an initial assessment. Upon making contact with the parent/maltreater, the CPS worker notifies the parent/maltreater of their rights pursuant to the proposed legislation as well as all of the allegations being investigated. The parent/maltreater determines that (1) they will not allow the worker into the home to assess the safety of the victim or any other child, (2) they will not allow the worker to interview the victim or any other child, (3) they will not sign or verbally agree to a safety plan, (4) they want an opportunity to consult with an attorney regarding the investigation, (5) they will not agree to sign the notice of rights form without consultation with an attorney, and (6) they will not allow the non-offending parent/caregiver to speak with the CPS investigator. What can the CPS investigator do at that time to be able to assess the safety/well-being of the child? What will happen to the child(ren) inside the home with the maltreater once the CPS worker leaves the residence? What has occurred to the child(ren) during the time it takes the CPS worker to get a court order to authorize entry into the home? What has happened to any potential evidence that may have existed within the home? Has there been witness tampering in the time between

the CPS worker notifying the maltreater of all of the allegations against them and the CPS worker having an opportunity to interview the child after obtaining a court order? Have the injuries on the child dissipated in the time it takes to obtain a court order for medical evaluation of the child? Has the child's health and safety been threatened by the delay?

The practical effects of this legislation will have wide-sweeping detrimental impacts to protecting the safety and well-being of children in Maryland. In addition to delaying the assessment of a child's well-being, this legislation will lead to more removals of children from homes which will increase the trauma experienced by those children who have already suffered abuse or neglect. Furthermore, this legislation will have an impact on the ability of investigators to determine what actually happened, potentially leaving a child in a dangerous situation without access to justice or safety.

For these reasons, the Maryland State's Attorney's Association and the Frederick County State's Attorney's Office request an unfavorable report on HB 223.

A handwritten signature in black ink, appearing to read 'L. Carpenter', with a stylized, flowing script.

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

MCPA-MSA HB 223 Know Before The Knock - OPPOSE.pdf

Uploaded by: Samira Jackson

Position: UNF



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable Luke Clippinger, Chair and
Members of the Judiciary Committee

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee
Samira Jackson, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 13, 2025

RE: **HB 223 - Family Law - Child Abuse and Neglect Investigations ("Know Before They Knock" Family Right to Notice Act)**

POSITION: **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE HB 223**. This bill requires a local department of social services or a law enforcement agency to provide oral and written notice of certain rights to a parent or caretaker of a child at the time of initial contact during an investigation of suspected child abuse or neglect

MCPA-MSA oppose the proposed "Know Before They Knock" Family Right to Notice Act. This bill imposes excessive procedural requirements on law enforcement officers and child protective services during investigations of suspected child abuse and neglect. By mandating written and oral notices at the time of initial contact, the bill creates unnecessary delays that hinder our ability to swiftly assess the safety of at-risk children. The extensive notification process also gives potential abusers the opportunity to evade questioning or manipulate circumstances before a proper evaluation can be conducted, potentially endangering children in immediate danger.

Furthermore, the bill's exclusionary rule, which prohibits the use of evidence obtained in violation of the notification requirement, significantly weakens our ability to prosecute child abuse cases. Law enforcement officers must often act swiftly based on limited information to ensure a child's safety, and the proposed restrictions on obtaining statements or conducting interviews without prior notice will obstruct these urgent efforts. The bill effectively ties the hands of investigators, forcing them to navigate bureaucratic obstacles rather than focusing on the welfare of vulnerable children. The added requirement that parents or caretakers be informed of their rights before questioning further complicates immediate intervention and could lead to lost opportunities to remove children from harmful environments.

Finally, this bill places an undue administrative burden on law enforcement agencies, diverting critical resources away from frontline investigative efforts. Requiring officers to provide written and signed documentation at every stage of interaction reduces efficiency and adds unnecessary legal complexities to

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child protection cases. Our primary duty is to safeguard children from abuse and neglect, and this bill obstructs that mission by prioritizing procedural formalities over child safety. We urge this committee to reject this bill and instead work toward policies that enhance, rather than impede, the ability of law enforcement and child protective services to act decisively in the best interests of at-risk children. For these reasons, MCPA and MSA **OPPOSE HB 223** and urge an **UNFAVORABLE** committee report.

HB223.pdf

Uploaded by: Tracey Lane

Position: UNF

HB223: Child Abuse and Neglect Investigations ("Know Before They Knock" Family Right to Notice Act)

Position: UNF

Uploaded by: Tracey Lane
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Annapolis, MD 21403
traceylane64@gmail.com
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I have been with the Anne Arundel County Court Appointed Special Advocates program for 28 years, both as a volunteer advocate and paid staff. I do not support this proposed bill. It is my understanding that there is no other civil investigation that requires this kind of oral and written notice. Investigators must have access to children and the proposed changes will result in children being less safe, not more. This could also result in more children being removed, as the inability to interview or examine children will hinder an investigator's ability to assess for safety. Please do everything in your power to ensure the health, safety and welfare of our children.

2025-02-13 HB 223 Letter of Information .pdf

Uploaded by: Adam Spangler

Position: INFO

CAROLYN A. QUATTROCKI
Chief Deputy Attorney General

LEONARD J. HOWIE III
Deputy Attorney General

CARRIE J. WILLIAMS
Deputy Attorney General

ZENITA WICKHAM HURLEY
Chief, Equity, Policy, and Engagement



STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

ANTHONY G. BROWN
Attorney General

PETER V. BERNIS
General Counsel

CHRISTIAN E. BARRERA
Chief Operating Officer

February 13, 2025

TO: The Honorable Delegate Luke Clippinger
Chair, Judiciary Committee

FROM: Adam Spangler
Legislative Aide, Legislative Affairs, Office of the Attorney General

RE: House Bill 223 - Family Law - Child Abuse and Neglect Investigations
("Know Before They Knock" Family Right to Notice Act) – **Letter of Information**

The Office of the Attorney General writes to provide the Judiciary Committee a letter of information on **House Bill 223** - Family Law - Child Abuse and Neglect Investigations ("Know Before They Knock" Family Right to Notice Act). While the intention behind **House Bill 223** is to safeguard the rights of parents and caretakers during investigations, it is crucial to consider how these provisions might inadvertently create impediments to the protection of vulnerable children. **House Bill 223** stipulates that parents or caretakers are not required to allow investigators into their homes without a court order and that they have the right to refuse cooperation without the prior consultation of an attorney.

These rights, while important for ensuring due process, could lead to situations where critical evidence regarding a child's safety is either delayed or inaccessible. For instance, if an investigator cannot conduct an on-site assessment or interview the child on the premises due to a lack of consent, urgent concerns may go unaddressed. This can hinder timely interventions that are often necessary to ensure a child's immediate safety from harm.

Furthermore, the requirement for children to be interviewed or examined only under specific conditions also raises a concern. In instances where a child's safety is at stake, the ability of authorities to act swiftly can be compromised, potentially leaving children at risk of continued harm.

In essence, while it is essential to protect the rights of parents and caretakers, it is equally important to ensure that the safety and well-being of children remain the utmost priority. We urge you to consider these potential consequences and strike a better balance between parental rights and child protection.

cc: Judiciary Committee Members

HB0223_INFO_DHS.pdf

Uploaded by: Rachel Sledge Government Affairs

Position: INFO



DEPARTMENT OF HUMAN SERVICES

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

February 13, 2025

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

**RE: TESTIMONY ON HB0223 - CHILD ABUSE AND NEGLECT INVESTIGATIONS
("KNOW BEFORE THEY KNOCK" FAMILY RIGHT TO NOTICE ACT) - POSITION:
INFORMATION ONLY**

Dear Chair Clippinger and members of the Judiciary Committee:

The Maryland Department of Human Services (DHS) thanks the Committee for its consideration and appreciates the opportunity to provide a letter of information for House Bill 223, Family Law - Child Abuse and Neglect Investigations ("Know Before They Knock" Family Right to Notice Act).

With offices in every one of Maryland's jurisdictions, DHS empowers Marylanders to reach their full potential by providing preventative and supportive services, economic assistance, and meaningful connections to employment development and career opportunities. The Social Services Administration (SSA) within DHS implements the Child Protective Services (CPS) program, which is directly impacted by HB 223. As drafted, this bill requires local department of social services (LDSS) social workers investigating allegations of child abuse and neglect to provide an oral and written notice to the child's parent or guardian about their legal rights. The proposed notice closely resembles Constitutionally-required Miranda rights read to criminal suspects who are interrogated while in police custody.

DHS strongly supports increasing parents' access to legal information, but believes implementing the approach outlined in the bill will cause confusion for families and social workers by conflating child protective services with criminal investigations.

Child Protective Services investigations by definition are not criminal investigations; they have different statutory purposes, different authority, and different impacts on parents. Local departments of social services caseworkers are responsible for conducting investigations into alleged child abuse and neglect, and assessing the child's well-being under Family Law Article §5-706. Social services caseworkers do not have the authority to conduct criminal investigations, file criminal charges, give legal advice, or prosecute alleged abusers. Criminal investigations and prosecutorial decisions are the role of local law enforcement and the state's attorney.

In criminal investigations, law enforcement officers are responsible for informing individuals arrested in connection with a crime of their legal rights, because anyone arrested has lost one or more fundamental rights, including their personal liberty. We understand that when out-of-home placement is necessary to protect a child, family separation can feel like a loss of the fundamental rights of parents to direct the care, custody, and upbringing of their children; rights protected under due process principles. However, child welfare investigations are not criminal investigations. Child welfare investigations are undertaken solely for compelling reasons related to the health, safety, and well-being of children. In child welfare responses, social workers are responsible for assessing the health, safety, and well-being of the child; not arresting or filing criminal charges against the parent or caregiver. Child welfare responses should not be treated like criminal investigations because doing so continues to conflate DHS' responsibility to ensure children's safety with the authority reserved for criminal justice systems. Should the state's attorney decide to prosecute child abuse or neglect a Miranda notice of rights in a criminal investigation is appropriately provided at that time.

Since the early 20th century, the courts and Congress have empowered child welfare systems across the country to intervene in families and parental decisions under authority of their child protection duties; with a disproportionate negative impacts on families of color.¹ DHS is working to reverse this excess of authority. DHS is and has been working hard to change the culture of child welfare practices in Maryland by prioritizing collaboration with families, and moving away from an adversarial investigative approach to a supportive alternative response. A cultural shift is essential to build trust, collaboration, and meaningful partnerships with parents to ensure child safety while preserving family integrity. However, the bill risks undermining our progress by requiring legalistic procedures that mirror law enforcement actions rather than processes that reflect social work principles.

¹ Meyer v. Nebraska, 262 U.S. 390 (1923); Pierce v. Society of Sisters, 268 U.S. 510 (1925); Prince v. Massachusetts, 321 U.S. 158 (1944); Wisconsin v. Yoder, 406 U.S. 205 (1972); Troxel v. Granville, 530 U.S. 57 (2000).

Since 2014, local departments of social services have used the [alternative response model](#) for lower risk reports. Alternative response uses a collaborative assessment that involves the family in all conclusions and service recommendations to ensure children's safety. In federal fiscal year 2024, nearly half of all DHS' Child Protective Services responses were conducted using the alternative response model. In alternative responses, social workers are required to interact with families in a non-adversarial manner, and all family members participate in the assessment process. The goal of alternative response is to safely divert families away from an investigative response. In December 2024, the Social Services Administration convened an Alternative Response Workgroup to review and refine our practice so DHS can continue to shift the culture of child welfare towards supportive and inclusive family engagement. The Alternative Response Workgroup analyzes data on child safety outcomes, family well-being, and service utilization to develop specific recommendations for policy, regulation, and statutory change that will enhance the program's effectiveness.

State regulation [COMAR 07.02.04.04 \(E\)](#) already requires DHS to distribute a "Parent's Guide" (attached) at initial contact with a family, and to obtain the parents' signature acknowledging they've received the guide. DHS is concerned that the enhanced processes the bill would require will impede our efforts at crucial cultural change by requiring social workers to more closely emulate process servers, usually Sheriff's deputies. Process servers deliver formal legal notice requiring the parent's signature to acknowledge receipt of rights, or document their refusal to sign. The bill would position child welfare social workers as police, process servers, and adversaries rather than partners. The bill requirements would put social workers in postures too similar to law enforcement and reduce our ability to partner with parents to strengthen and preserve families. DHS suggests changing the word "notice" in the bill to "information" or "notification" in keeping with the social worker's role and authority. This change would ensure that parents receive important information about their rights without distorting the function of child welfare professionals or inadvertently initiating a punitive, adversarial dynamic.

National best practices validate that social workers have a role in providing information about legal resources for parents; but not in the prescriptive manner mirroring criminal investigation protocols outlined in HB 223. The National Association of Social Workers' [Standard for Social Work Practice in Child Welfare](#) explains:

"The social worker must be able to assess current and imminent risk and ensure that arrangements are made to protect the child in accordance with state and federal laws, agency policies, and administrative directives governing child protection. Social workers in child welfare should be clear with the family about

the reasons for services, inform them of their rights, and facilitate legal representation.” (Standard 8. Assessment)

In alignment with national social work standards, DHS currently provides parents with information about legal rights and resources in our existing “Parent’s Guide for Child Protective Services Investigations and Alternative Response.” The Parent’s Guide is distributed when a social worker initially contacts a family. Per [COMAR 07.02.04.04\(E.\)](#), caseworkers are required to request the caregiver's signature acknowledging receipt of the Parent’s Guide. We included the Parent’s Guide with this testimony. We are updating the Parent’s Guide and offered to include more information about legal resources in the update. DHS also offered to include additional information about legal resources for parents on the DHS website.

Since 2023, DHS has shared our commitment to ensuring parents are informed of their rights and to facilitating legal representation through several conversations with the sponsor and the Office of the Public Defender (OPD). We built on our commitment by proudly partnering with OPD as they expand “[Better Together](#).” Better Together is OPD’s innovative pre-petition civil legal counsel and wrap-around services model piloted in Baltimore City. DHS recognizes pre-petition legal counsel and services are effective for achieving our primary goals: preventing child abuse and neglect, and strengthening and preserving families. We also recognize that the role of legal counsel is properly distinct from the role of a social worker. We continue to work with OPD on a case-by-case basis to remove barriers and increase referrals to Better Together. We also inquired with federal partners about the allowability of using federal Title IV-E foster care funds to support OPD’s implementation of a legal warm line and web-based referrals. Frustratingly, the federal resources we hope to obtain are subject to the new presidential Administration’s priorities. We continue to discuss with OPD additional ways of informing the public about Better Together and facilitate access to legal services for parents with child welfare involvement. We are deeply committed to working with the sponsor and OPD to develop processes and regulations that expand parents’ access to legal information and services in a manner that is trauma-informed and aligns with our family-centered, strengths-based Integrated Practice Model.

We appreciate the opportunity to provide informational testimony to the Committee for consideration during your deliberations. We look forward to the decision of the Committee and welcome continued collaboration on HB 223. 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", written over a large, stylized letter "C".

Carnitra White
Principal Deputy Secretary

Attachment: Parent's Guide to Child Protective Services Investigations and Alternative Response

HOW ARE COMPLAINTS HANDLED?

If you have any complaints or encounter an issue with CPS, have an open discussion with your CPS worker. Often, having this conversation can resolve your issues. If you have a complaint about any other aspect of your interaction with CPS staff, you may ask to speak to your worker's supervisor or contact the Constituent Services Office of the Maryland Department of Human Services.

CAN I APPEAL A LOCAL DEPARTMENT'S FINDING?

Yes. At the conclusion of a CPS investigation, the local department will provide you with a written notice that the report of abuse, neglect, or mental injury was "ruled out," "unsubstantiated," or "indicated." If you disagree with a finding of "indicated" (more likely or not that abuse or neglect occurred), or the conclusion that you are responsible for the abuse or neglect, you may request a hearing at the Maryland Office of Administrative Hearing.

If you disagree with a finding of "unsubstantiated" some evidence that a child was abused or neglected, you will be offered a conference with a local department supervisor to discuss the finding and provide any additional information.

If you are dissatisfied with the outcome of the conference, you may request a hearing at the Maryland Office of Administrative Hearings.

The local department will provide you with the necessary forms and information to request a hearing and pay the appropriate fees at the Maryland Office of Administrative Hearings.

Hearings at the Maryland Office of Administrative Hearings provide you with a fair process to present evidence to contest a finding of "indicated" or "unsubstantiated" child abuse or neglect. The goal of these hearings is to safeguard the rights of all parties involved.

HOW IS MY CONFIDENTIALLY PROTECTED?

CPS records in Maryland are kept confidential to protect the privacy and safety of the children and families involved. CPS ensures the confidentiality of CPS records in several ways:

Limited access:

■ CPS limits who may access a CPS record to authorized personnel directly involved in a case, such as a caseworker, a supervisor, or another professional working on your child's behalf.

Legal protections:

■ State laws and regulations have specific provisions to maintain the confidentiality of CPS records; the unauthorized disclosure of CPS records may have legal consequences.

Redaction and de-identification:

■ Before sharing records with individuals who may have legal access to CPS records, CPS may redact, or take out, personal identifiers and sensitive information.

Secure storage:

■ CPS records are typically stored in secure databases or physical locations that prevent unauthorized access.

Limited sharing:

■ CPS may legally refuse to share CPS records with persons who are permitted by law to see CPS records, such as law enforcement, courts, or service providers, unless CPS finds that they have a legitimate need to view a particular record.

In certain specific situations, CPS may be ordered to disclose records to certain persons if the law requires it or a court mandates it. In these situations, disclosure has been found to be necessary for the safety and well-being of a child. Nonetheless, confidentiality remains a paramount concern in child welfare cases in Maryland and across the United States.

CONTACT INFORMATION

If you have any questions or concerns about CPS or a related matter, please reach out to your CPS worker who is trained to help you.

Your worker's name : _____

Your worker's phone number and email address:

Your worker's supervisor :

Your worker's supervisor's phone number and email address: _____

CASE TYPE

- ☐ Investigation
☐ Alternative Response
☐ Other _____

Parent's Guide for Child Protective Services

Investigations and Alternative Response



WHAT IS CHILD PROTECTIVE SERVICES?

Child Protective Services (CPS) is a specialized unit in your local department of social services whose job is to ensure the safety and well-being of your children while providing you with support and guidance. CPS staff respond to reports of possible child abuse or neglect and are trained to assess these situations with care and understanding.

WHO REPORTS ABUSE/NEGLECT?

Maryland law identifies certain professionals as “mandatory” reporters, meaning that they are required by law to report suspected child abuse or neglect. Mandatory reporters include doctors, nurses, police officers, educators, and human services workers. Local departments of social services also accept reports from community members who have concerns about child abuse or neglect.

IS THE NAME OF THE PERSON WHO REPORTED ABUSE OR NEGLECT PUBLIC INFORMATION?

No. By law, the identity of a person who reports suspected child abuse or neglect is confidential unless a court specifically orders its release. Most reports are made by people genuinely concerned about a child’s well-being and a family’s welfare; sharing a reporter’s identity could discourage reporting.

WHAT HAPPENS IN AN INVESTIGATION?

A CPS investigation is not a criminal investigation. An investigation focuses on whether your child has been abused or neglected, who may be responsible, whether your child is safe, and what services are appropriate. CPS staff may work with local law enforcement if the severity of the situation or concern for worker safety calls for it. Only the police, and not child protective services, can make arrests and pursue a criminal case. A CPS investigation by law, should be closed after 60 days.

WHAT IS AN ALTERNATIVE RESPONSE?

An Alternative Response is different from an investigation. An Alternative response is an option CPS staff have for handling a low-risk report of child abuse or neglect where your family has had little to no previous CPS history. In an Alternative Response, CPS staff do not formally determine whether your child was abused or neglected. Instead, staff focus on what is needed to keep your child safe.

The first step of an Alternative Response is a conversation with your family about safety concerns raised in the report. Then, CPS will recommend strategies that you can use in the home

to ensure your children’s safety and well-being. Staff will also make referrals to any community resources that can support your family after the Alternative Response is complete.

If during the Alternative Response, staff identify safety concerns that cannot be addressed through safety planning and community referrals, a traditional investigation may be necessary.

Information from an Alternative Response DOES NOT have any effect on a CPS background clearance. Furthermore, any records related to an Alternative Response are expunged three years after the report. This period may only be extended if CPS receives another report concerning the same person named in the prior report.

WHAT RIGHT DOES CPS HAVE TO GO TO MY HOME?

CPS staff are required by law to promptly and thoroughly address allegations of child abuse, neglect, or mental injury. Staff visits the home to assess the situation, evaluate family functioning, and ensure a child’s safety and well-being.

WHAT RIGHT DOES CPS HAVE TO REQUIRE A MEDICAL EXAMINATION?

If your child’s health requires immediate medical attention, CPS staff or law enforcement are permitted by law to take your child to a doctor, hospital, or clinic for examination and treatment without your consent.

WHAT HAPPENS IF, DURING AN INVESTIGATION, CPS STAFF FIND NO ABUSE, NEGLECT, OR MENTAL INJURY?

If CPS staff conduct a thorough investigation and find no evidence of abuse, neglect, or mental injury, they will close the case. Any information gathered during the investigation will be automatically discarded after two years, and CPS will have no further involvement unless they receive a new report. If an assessment or investigation suggests that your family could benefit from services to promote your child’s safety and well-being, staff may recommend supportive services.

If CPS staff find evidence during their investigation that your child was abused, neglected, or has a mental injury, their primary responsibility is the safety and well-being of your child. CPS will determine what action to take depending on the severity of the situation and your willingness to accept services. Steps taken to protect your child and support your family may include:

Supportive Services:

■ CPS may offer or connect you with various support services, such as counseling, parenting skill building, substance abuse treatment programs, or other assistance programs. These services are intended to address your circumstances and provide your family with the necessary resources to care for your child.

Written Safety Plan:

■ You and the CPS worker will collaborate to create a safety plan. This plan outlines steps you agree to take to ensure your child’s safety and prevent further harm. One step may be to have you identify a relative or neighbor who is willing to temporarily care for your child. However, this plan can only be put in place with your agreement and does not affect who has legal custody of your child.

Legal Intervention:

■ If necessary, CPS may involve a court to obtain legal orders to protect your child. A court may order supervision of your family or removal of your child from an unsafe environment. If the court removes your child, you will have the ability to obtain a lawyer to represent you for free or at a reduced rate through the public defender’s office. A lawyer, not affiliated with DSS will be appointed to represent your child’s interests. The local department of social services will have its own lawyer.

Ongoing Support:

■ After CPS addresses immediate concerns, staff may refer you to an agency-based service to ensure that, after the investigation is complete, your family has support to sustain a safe and nurturing environment for your child.

CPS’s ultimate goal is not to punish you or your family but to promote the safety and well-being of your children. Staff work diligently to address underlying issues and assist you in becoming safer caregivers so that your child grows up in a safe and loving environment.

If you or your child is a member of a federally recognized tribe, you may have additional rights under the Indian Child Welfare Act. You may reach out to your tribe or to CPS for more information.

WHAT HAPPENS IF I DISAGREE THAT CPS NEEDS TO BE INVOLVED?

If your family and CPS staff disagree about whether CPS needs to intervene, the local department may refer the matter to a court for resolution. In such cases, a judge will decide whether an intervention is appropriate and may order your family to cooperate with CPS to address specific concerns.