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Judicial Proceedings Committee

Joint Committee on Children,
Youth, and Families



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THE SENATE OF MARYLAND
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SPONSOR TESTIMONY

Senate Bill 650
Family Law - Child Abuse and Neglect Investigations
("Know Before They Knock" Family Right to Notice Act)

Chairman Smith, Vice Chair Waldstreicher and Committee Members

For the record, I am Shaneka Henson, representing District 30 in Anne Arundel County and member of the JPR Committee.

I am here today to urge a favorable report on SB0650 Family Law - Child Abuse and Neglect Investigations ("Know Before They Knock" Family Right to Notice Act)

The intent of this legislation is to require that a local department of social services or law enforcement agency provide written notice of the specified rights that a parent or legal guardian has at the time of initial contact during an investigation of child abuse or neglect. The bill also (1) specifies the applicable rights; (2) establishes requirements for delivery and acknowledgement of the notice of rights; and (3) requires the Department of Human Services (DHS) to develop a system to document proof of notice. Finally, the bill replaces various references to the child's caretaker with the child's parent or legal guardian.

I also want to use this opportunity address many of the topics being discussed about what the proposed legislation does accomplish – and what it does not do! An information "Fact Sheet" is also included.

First, what the Bill Accomplishes.

The "Know Before They Knock Bill" - Family Right to Notice Act would require the Department of Social Services Child Protective Services (CPS) agency to provide parents or legal guardians with written notice of their rights before they begin their investigation.

What this means is that when a CPS worker knocks on the door of a child's parent or guardian -- or any other way begins to engage them, they must first provide them with a written notice of their rights. In no other way does it change the statutes or the CPS investigative process.

The "Rights" listed in the bill are the rights that parents already have within the constitution and other areas of the law – it does not extend or create new rights. Some rights are already listed in

COMAR – for example, the requirement that CPS must inform parents of the allegations against them.

In 2023, of the 20,647 children who were the subject of an investigation -- only 6,074 were found to be victims of maltreatment. 70% of investigations result in no finding of maltreatment. At the time that a CPS investigation is initiated, ONLY CPS is investigating an allegation. These allegations are often made by anyone and are unfounded.

What the Bill Does Not DO!

It will not delay the routine investigation process. DSS already has 5 days to initiate an investigation into an allegation of neglect and has 60 days to complete the investigation. This bill will not change those timelines.

Many of the State's Attorneys opposing the bill state that it extends rights beyond those afforded in criminal cases OR tampers with the evidentiary collection they rely on. However, CPS cases are not criminal. They are civil in nature and the “*Child in Need of Assistance Cases*” are also civil.

Parents should not be intentionally kept ignorant of their rights because it would impact a criminal investigation -- that rarely occurs. Nationwide only a small percentage of these cases result in criminal prosecution. Additionally, State’s Attorneys are taking advantage of families when they rely on case workers to gather evidence in warrantless searches that they would not have access to if they had to get a warrant.

The bill does not put children at an increased risk of danger; nor does it impede the actions of CPS workers or law enforcement to remove a child who they believe is at immediate risk of harm. This means that if a child is in danger, the Dept of Social Services can remove that child from the home as they normally would.

Neither does this legislation prevent DSS from offering its services. If the issue is one of neglect, which is often rooted in issues of poverty, even where a parent is hesitant to speak to DSS, the CPS worker can offer the services and resources needed that would allow the parent to resolve the concerns being alleged.

The bill does not add any additional procedural processes to DSS aside from handing parents a sheet of paper with their rights on it; nor does it add any additional responsibility or requirements to law enforcement. It only requires that the DSS representative provide the statement of rights to the parent when initiating an investigation.

Lastly, we would argue that this bill does not have a significant fiscal note since the “Child in Need of Assistance” cases are not criminal. Joining me today to present further information about the bill is:

Natasha Khalfani, Office of the Public Defender
Shanta Tricedi, University of Baltimore, and
Amea Vora, Maryland Legal Aid.

Again, we urge a favorable vote for SB650 by the JPR Committee.

Shaneka Henson, D.30