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The Honorable Sandy Bartlett
House Judiciary Committee
6 Bladen Street
Annapolis, MD 21401

Dear Chair Bartlett and Committee Members:

On behalf of the Maryland State's Attorneys' Association (MSAA), we write in opposition to House Bill 890—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 Deputy State's Attorney 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 890 proposes significant changes to the investigation of child abuse and neglect criminal and civil investigations in our State. Essentially, HB 890 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 legal guardians 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 legal guardians 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 HB890.

Sincerely,

Joyce R. King

Joyce R. King
Deputy State's Attorney
Frederick County State's Attorney's Office

Debbie Feinstein

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