

SENATE BILL 739

E2, D4

9lr1750
CF HB 1007

By: **Senators Lee, Carter, Waldstreicher, and West**

Introduced and read first time: February 4, 2019

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 2019

CHAPTER _____

1 AN ACT concerning

2 **Child Advocacy Centers – Expansion**

3 FOR the purpose of requiring the Governor’s Office of Crime Control and Prevention to
4 ensure, ~~to the greatest extent practicable,~~ that every child in the State has access to
5 a child advocacy center; requiring child advocacy centers to assist in the response to
6 or investigation of certain offenses against children; authorizing child advocacy
7 centers to assist in the response to or investigation of certain offenses against
8 children; requiring child advocacy centers to provide a certain level of care; requiring
9 the Governor’s Office of Crime Control and Prevention to contract with a certain
10 organization that meets certain requirements to establish a Maryland Statewide
11 Organization for Child Advocacy Centers; requiring the Maryland Statewide
12 Organization for Child Advocacy Centers to establish certain standards for child
13 advocacy centers; requiring money for child advocacy centers to be distributed in a
14 certain manner by the Maryland Statewide Organization for Child Advocacy Centers
15 and the Governor’s Office of Crime Control and Prevention; ~~authorizing the Governor~~
16 ~~to include in the annual budget a certain appropriation beginning in a certain fiscal~~
17 ~~year;~~ altering the date that the Governor’s Office of Crime Control and Prevention is
18 required to submit a certain annual report; adding child advocacy centers to the list
19 of agencies that are required to enter into a certain written agreement that specifies
20 standard operating procedures for certain child abuse and neglect investigations and
21 prosecutions; making clarifying and technical changes; and generally relating to
22 child advocacy centers.

23 BY repealing and reenacting, with amendments,

24 Article – Criminal Procedure

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 11–923(h)
 2 Annotated Code of Maryland
 3 (2018 Replacement Volume)

4 BY repealing and reenacting, with amendments,
 5 Article – Family Law
 6 Section 5–706(f)
 7 Annotated Code of Maryland
 8 (2012 Replacement Volume and 2018 Supplement)

9 BY repealing and reenacting, without amendments,
 10 Article – Family Law
 11 Section 5–706(g)(1)
 12 Annotated Code of Maryland
 13 (2012 Replacement Volume and 2018 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 15 That the Laws of Maryland read as follows:

16 **Article – Criminal Procedure**

17 11–923.

18 [(h) (1)] **11–928.**

19 (A) The Governor’s Office of Crime Control and Prevention shall establish and
 20 sustain child advocacy centers in the State ~~AND TO THE GREATEST EXTENT~~
 21 ~~PRACTICABLE,~~ ENSURE THAT EVERY CHILD IN THE STATE HAS ACCESS TO A CHILD
 22 ADVOCACY CENTER.

23 [(2)] (B) The child advocacy centers:

24 [(i)] (1) may be based in private nonprofit organizations, local
 25 departments of social services, local law enforcement agencies, or a partnership among any
 26 of these entities;

27 [(ii)] (2) shall be developed and located to facilitate their use by
 28 alleged victims residing in the surrounding areas;

29 [(iii)] (3) shall [investigate] ASSIST IN THE RESPONSE TO OR
 30 INVESTIGATION OF allegations of sexual crimes against children UNDER TITLE 3,
 31 SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE and sexual abuse of minors UNDER §
 32 ~~3–602~~ TITLE 3, SUBTITLE 6 OF THE CRIMINAL LAW ARTICLE AND TITLE 5,
 33 SUBTITLE 7 OF THE FAMILY LAW ARTICLE;

1 (4) MAY ASSIST IN THE RESPONSE TO OR INVESTIGATION OF
2 ALLEGATIONS OF CHILD ABUSE AND NEGLECT UNDER ~~§§ 3-601 AND 3-602.1~~ TITLE
3 3, SUBTITLE 6 OF THE CRIMINAL LAW ARTICLE AND TITLE 5, SUBTITLE 7 OF THE
4 FAMILY LAW ARTICLE AND ALLEGATIONS OF A CRIME OF VIOLENCE IN THE
5 PRESENCE OF A MINOR UNDER § 3-601.1 OF THE CRIMINAL LAW ARTICLE;

6 [(iv)] (5) shall provide [or facilitate referrals to appropriate
7 counseling, legal, medical, and advocacy services for victims] A LEVEL OF CARE THAT
8 MEETS OR EXCEEDS THE NATIONAL ACCREDITATION STANDARDS FOR CHILD
9 ADVOCACY CENTERS ESTABLISHED BY THE MARYLAND STATEWIDE ORGANIZATION
10 FOR CHILD ADVOCACY CENTERS UNDER SUBSECTION (D) OF THIS SECTION; and

11 [(v)] (6) shall be included in all joint investigation procedures
12 developed in accordance with § 5-706 of the Family Law Article.

13 [(3)] (C) The Governor's Office of Crime Control and Prevention may
14 contract with public or private nonprofit organizations to operate child advocacy centers.

15 (D) (1) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND
16 PREVENTION SHALL CONTRACT WITH A NONPROFIT ORGANIZATION THAT IS
17 QUALIFIED UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE AND
18 REPRESENTS URBAN, RURAL, AND SUBURBAN CHILD ADVOCACY CENTERS IN THE
19 STATE TO ESTABLISH A MARYLAND STATEWIDE ORGANIZATION FOR CHILD
20 ADVOCACY CENTERS.

21 (2) THE PURPOSE OF THE MARYLAND STATEWIDE ORGANIZATION
22 FOR CHILD ADVOCACY CENTERS IS TO PROVIDE TRAINING, TECHNICAL
23 ASSISTANCE, DATA COLLECTION, AND CAPACITY BUILDING TO MEET LOCAL, STATE,
24 AND NATIONAL REQUIREMENTS FOR CHILD ADVOCACY CENTERS.

25 (3) THE MARYLAND STATEWIDE ORGANIZATION FOR CHILD
26 ADVOCACY CENTERS SHALL ESTABLISH STANDARDS FOR CHILD ADVOCACY
27 CENTERS IN THE STATE THAT MEET NATIONAL ACCREDITATION STANDARDS FOR
28 CHILD ADVOCACY CENTERS AND SHALL INCLUDE:

29 (I) MULTIDISCIPLINARY TEAMS THAT INCLUDE
30 REPRESENTATION FROM LAW ENFORCEMENT, PROSECUTORS, CHILD PROTECTIVE
31 SERVICES, THE MEDICAL AND MENTAL HEALTH FIELDS, AND VICTIM ADVOCACY;

32 (II) CULTURAL COMPETENCY AND DIVERSITY;

33 (III) FORENSIC INTERVIEWS THAT ARE NEUTRAL,
34 FACT-FINDING, AND AVOID DUPLICATIVE INTERVIEWING;

1 (IV) VICTIM SUPPORT AND ADVOCACY FOR CHILDREN AND
2 CAREGIVERS, INCLUDING APPROPRIATE COUNSELING, LEGAL, AND MEDICAL
3 SERVICES OR REFERRALS;

4 (V) MEDICAL EVALUATIONS;

5 (VI) MENTAL HEALTH SERVICES;

6 (VII) A FORMAL CASE REVIEW PROCESS;

7 (VIII) A CASE TRACKING, MONITORING, AND OUTCOMES PROCESS;

8 (IX) ORGANIZATIONAL CAPACITY;

9 (X) CREATING A CHILD-FOCUSED SETTING THAT IS
10 COMFORTABLE, SAFE, AND PRIVATE; AND

11 (XI) ANY ADDITIONAL NECESSARY STANDARDS.

12 ~~[(4)](E) (1) Money for child advocacy centers shall be as provided in~~
13 ~~the annual State budget and shall be used to supplement, but not supplant, money that the~~
14 ~~programs receive from other sources.~~

15 ~~(2) (i) MONEY FOR CHILD ADVOCACY CENTERS SHALL BE~~
16 ~~DISTRIBUTED TO CHILD ADVOCACY CENTERS IN ACCORDANCE WITH A FORMULA~~
17 ~~AGREED ON BY THE MARYLAND STATEWIDE ORGANIZATION FOR CHILD ADVOCACY~~
18 ~~CENTERS AND THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION.~~

19 ~~(ii) MONEY FOR CHILD ADVOCACY CENTERS MAY BE USED TO~~
20 ~~ASSIST CHILD ADVOCACY CENTERS IN MEETING THE STANDARDS UNDER~~
21 ~~SUBSECTION (D) OF THIS SECTION.~~

22 ~~(3) EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION,~~
23 ~~IN EACH FISCAL YEAR THE GOVERNOR MAY INCLUDE IN THE ANNUAL BUDGET BILL~~
24 ~~AN APPROPRIATION FOR THE CHILD ADVOCACY CENTERS UNDER THIS SECTION.~~

25 ~~(4) MONEY APPROPRIATED FOR THE CHILD ADVOCACY CENTERS~~
26 ~~SHALL BE USED TO SUPPLEMENT, NOT SUPPLANT, MONEY THAT THE PROGRAM~~
27 ~~RECEIVES FROM OTHER SOURCES.~~

28 ~~(5) IN EACH FISCAL YEAR BEGINNING WITH FISCAL YEAR 2021, THE~~
29 ~~GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL SUBMITTED TO THE~~
30 ~~GENERAL ASSEMBLY A GENERAL FUND APPROPRIATION FOR CHILD ADVOCACY~~
31 ~~CENTERS FUNDED UNDER THIS SECTION IN AN AMOUNT NOT LESS THAN THE~~

~~APPROPRIATION MADE FOR THE CHILD ADVOCACY CENTERS IN THE IMMEDIATELY PRECEDING FISCAL YEAR, INCREASED BY NOT LESS THAN THE PERCENTAGE BY WHICH THE PROJECTED TOTAL GENERAL FUND REVENUES FOR THE UPCOMING FISCAL YEAR EXCEED THE REVISED ESTIMATE OF TOTAL GENERAL FUND REVENUES SUBMITTED BY THE BOARD OF REVENUE ESTIMATES TO THE GOVERNOR UNDER § 6-106(B) OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

(E) MONEY FOR CHILD ADVOCACY CENTERS:

(1) SHALL BE DISTRIBUTED TO CHILD ADVOCACY CENTERS IN ACCORDANCE WITH A FORMULA AGREED ON BY THE MARYLAND STATEWIDE ORGANIZATION FOR CHILD ADVOCACY CENTERS AND THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION;

(2) SHALL BE USED TO SUPPLEMENT, NOT SUPPLANT, MONEY THAT THE PROGRAM RECEIVES FROM OTHER SOURCES; AND

(3) MAY BE USED TO ASSIST CHILD ADVOCACY CENTERS IN MEETING THE STANDARDS UNDER SUBSECTION (D) OF THIS SECTION.

[(5)] (F) On or before [January] **JUNE** 1 each year, the Governor's Office of Crime Control and Prevention shall submit an annual report, in accordance with § 2-1246 of the State Government Article, on child advocacy centers to the General Assembly.

Article – Family Law

5–706.

(f) The local department, the appropriate law enforcement agencies, the State's Attorney within each county and Baltimore City, the local department's office responsible for child care regulation, [and] the local health officer, **AND THE LOCAL CHILD ADVOCACY CENTER** shall enter into a written agreement that specifies standard operating procedures for the investigation under subsections (c) and (d) of this section and prosecution of reported cases of suspected abuse or neglect.

(g) (1) The agencies responsible for investigating reported cases of suspected sexual abuse, including the local department, the appropriate law enforcement agencies, and the local State's Attorney, shall implement a joint investigation procedure for conducting joint investigations of sexual abuse under subsections (c) and (d) of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That all child advocacy centers established prior to the effective date of this Act shall, within 6 months of the effective date of this Act, implement demonstrable reforms in the child advocacy centers' policies and procedures to comply with Section 1 of this Act.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 ~~October~~ July 1, 2019.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.