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March 11, 2020

The Honorable Delores G. Kelley
Chairman, Senate Finance Committee
Miller Senate Office Building, 3 East Wing
11 Bladen St., Annapolis, MD 21401-1991

RE: TESTIMONY IN SUPPORT OF SENATE BILL SB 818
Residential Treatment Centers and Facilities - Sexual Abuse and
Harassment - Reporting and Prevention
State Child Welfare System - Reporting

Dear Chairman Kelley and Members of the Committee:

Thank you for your invitation to present testimony on SB 818. The Legal Aid Bureau, Inc. (Maryland Legal Aid) is a private non-profit law firm that represents indigent persons in civil matters throughout Maryland. As a part of this representation, Maryland Legal Aid's staff provides legal services to over 2,000 Maryland children every year in the child welfare system who participate in Child in Need of Assistance (CINA) and Termination of Parental Rights (TPR) proceedings. Consequently, Maryland Legal Aid has expertise in matters concerning child welfare and children in foster care, including special needs youth who require residential treatment services.

As advocates of children across the state, Maryland Legal Aid attorneys have represented numerous foster youth who have been placed in Residential Treatment Centers and Facilities. SB 818 ensures that private and public facilities are held to the same standards and requires all covered entities, private and public, to report sexual harassment and abuse of patients. Additionally, SB 818 requires all covered entities to implement protection plans for children and adolescents who have experienced, or perpetrated, abuse or harassment while at the facility.

Our clients in covered entities are the most vulnerable groups of youth in Maryland. This bill also specifies who is in the state advocacy system and will receive reports of abuse and harassment from the covered entities. This law will improve outcomes for youth in residential treatment facilities by identifying systemic patterns and issues so that to utilize evidence based practices and procedures in order to prevent further abuse.

This bill also provides support to emotionally disturbed patients who have been abused and who have repeated this abuse. Some of our youth placed in covered entities have been victims of sexual abuse and/or have perpetrated said trauma. It is vital to the treatment and rehabilitation of these youth that protections are put in place to prevent them from being revictimized or offending others. Under SB 818 both victims and potential abusers would have a protection plan based on their individual needs. This promotes proactivity by covered entities as opposed to being solely reactive.

Statutory clarification is needed so that private facilities understand and are responsible as public organizations so that all children in covered entities are thoughtfully protected.

For the reasons stated above, Maryland Legal Aid supports SB 818 and asks that this committee give it a favorable report.



Erica I. LeMon, Esq.
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