

Maryland Catholic Conference_FAV_SB296

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ARCHDIOCESE OF BALTIMORE † ARCHDIOCESE OF WASHINGTON † DIOCESE OF WILMINGTON

February 12, 2020

Senate Bill 296

**Family Law – Preventing or Interfering With Report of Suspected Child Abuse or Neglect –
Statute of Limitations**

Senate Judicial Proceedings Committee

Position: SUPPORT

The Maryland Catholic Conference represents the mutual public-policy interests of the three (arch)dioceses serving Maryland, including the Archdiocese of Baltimore, the Archdiocese of Washington, and the Diocese of Wilmington. We offer this testimony in support of Senate Bill 296.

Senate Bill 296 would alter the criminal statute of limitations for a violation of the prohibition on preventing or interfering with the making of a certain report of suspected child abuse or neglect. Senate Bill 296 is an important measure for ensuring that mandated reporters take seriously their obligation to report abuse, most especially when they are aware of a clear instance of abuse.

Like many other institutions serving children, all Catholic parishes, diocesan schools and youth programs observe stringent child protection measures. Our institutions conduct mandatory criminal background checks on all employees and on volunteers who work with children, provide comprehensive awareness training to educate adults and children on how to recognize predatory behaviors, and promptly report all suspected incidents of child sexual abuse.

Senate Bill 296 is an important measure to help ensure the immediate reporting of instances of known child abuse, so that children in these situations can quickly receive the protection and services needed to at a minimum remove them from further harm.

For these reasons, we urge a favorable report on Senate Bill 296.

Advocates for Children and Youth_FAV_SB296

Uploaded by: White, Rachel

Position: FAV



To: The Judiciary Committee

From: Adrienne Speller, Intern at Advocates for Children & Youth for Child Welfare

Re: SB296: Family Law – Preventing or Interfering With Report of Suspected Child Abuse or Neglect – Statute of Limitations

Date: February 12, 2020

Position: SUPPORT WITH AMENDMENTS

Advocates for Children and Youth commends this effort to hold child abusers accountable for their actions that ultimately scar children. Too often, child abusers go unpunished. Whether that be because the victim fears coming forward, someone interferes or prevents their report, or the victim's lack of knowledge of abuse that occurs. Regardless of what the reason may be, there is *never* a justifiable reason for anyone to cover-up child abuse at any time. Those who attempt to hide it (if not the abuser themselves), become enablers of abuse.

Children not only suffer an immeasurable amount of pain because of the abuse, but also for knowing that their abuser(s) are not being stopped. There is a saying that "time heals all wounds," but the "how" is often overlooked. Healing is a process which requires vital steps to be taken to make it possible. In the circumstance of child abuse or neglect, healing for the child begins when the abuser and/or enabler is removed. Not removing the abuser increases the likelihood of the child suppressing their trauma and growing into a troublesome life.

Currently, there are no penalties for preventing or interfering with the making of a report of suspected child abuse or neglect. Many who attempt to make reports of child abuse or neglect fear doing so because of intimidation by their abuser(s) or another party. The number of Catholic priests who have been accused of child abuse is staggering. As of November 2019, the Archdiocese of Baltimore has listed 57 Catholic Priests and Brothers accused of child sexual abuse and the number may rise. Typically, one would believe that any ordained minister would not harm children due to their religious codes; however, many Priests have abandoned their moral and religious duties and abused their authority of the Church for their self-interests. The abuse often goes unreported because Priests are religious authority figures that are trusted by their congregations and victims may not be believed.

Not penalizing the prevention or intervention of making a report of suspected child abuse or neglect is further harmful by not holding the adult parties responsible to their duty of sustaining an environment that is conducive to the well-being of children.

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By not penalizing this obstruction, abused children are kept from receiving the attention necessary to promote their growth and remain in a perilous state. It is disturbing to know that many victims of abuse and neglect are forced to heal while knowing that their abuser is free. Victims ought to feel secure and be able to report their abuse trusting that their abuser will be held responsible for their egregious behaviors. SB296 should also criminalize the intentional failure to report suspected child abuse or neglect; not limited to obstruction. Those who become aware of the abuse, yet decide not to report it, are deciding to further victimize children and are just as blameworthy.

Passing SB296 will criminalize the act of preventing or interfering with the making of a report of suspected child abuse, and should include the failure to report suspected child abuse. Thus, making anyone who violates this law subject to being guilty of a misdemeanor in which the punishment is imprisonment up to five years, a fine of \$10,000, or both. This law will further emphasize the importance of stability for children, and reinforce the duties of notifying the appropriate departments or law enforcement agencies of child abuse or neglect by penalizing those who fail to report it and obstruct their well-being.

<https://www.archbalt.org/child-and-youth-protection/priests-and-brothers-accused-of-abuse/>

MCPS BOE_FWA_SB0296

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Position: FWA



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BILL: SB0296
TITLE: Family Law – Preventing or Interfering With Report of Suspected Child Abuse or Neglect – Statute of Limitations
DATE: 2/12/2020
POSITION: SUPPORT WITH AMENDMENT
COMMITTEE: Judicial Proceedings
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The Montgomery County Board of Education (Board) **supports** SB0296 **with an amendment**.

Under Maryland Law, an individual may not intentionally prevent or interfere with the making of a required report of suspected abuse or neglect. A violation of this provision is a misdemeanor subject to imprisonment not exceeding five years or a fine not exceeding \$10,000, or both.

The proposed legislation would eliminate the statute of limitations for state prosecutions for intentionally interfering with child abuse reporting.

Most people who experience sexual abuse in childhood do not disclose until adulthood. Therefore, narrow statutes of limitation can prevent the punishment of perpetrators. Similar barriers may limit redress for intentional interference with required child abuse reporting. Given the research focused on disclosures of child sexual abuse, MCPS respectfully requests an amendment to specifically focus this shift in the statute of limitations on child sexual abuse.

For these reasons, the Board **supports** this legislation **with an amendment** and urges a favorable report.