

**Testimony on HB 0776
Out of Court Statements—Child and Vulnerable Adult Victims and Witnesses
Senate Judicial Proceedings Committee
SUPPORT
March 10, 2021**

Senator Lee and Members of the Committee,

On behalf of the National Association of Social Workers, Maryland Chapter (NASW-MD), we would like to express our strong support for Senate Bill 776 – Out of Court Statements – Child and Vulnerable Adult Victims and Witnesses. This bill proposes expanding the hearsay exception for victims set forth in Section 11-304 of the Criminal Procedure Article. Section 11-304 currently allows the State to admit statements made by children under the age of thirteen that relate to child physical and sexual abuse when those statements are made to certain individuals, including physicians, social workers, teachers, and therapists. The proposed law extends the exception to child victims of Neglect of a Minor (Criminal Law Article § 3-602.1) and Crimes of Violence (defined in Public Safety Article § 5-101). It also extends the hearsay exception to vulnerable adult victims of Abuse or Neglect of a Vulnerable Adult in the First and Second Degree (Criminal Law Article §§ 3-604, 3-605). Lastly, the proposed law will extend the exception to child and vulnerable adult witnesses to these crimes.

This bill would greatly increase accessibility in providing testimony for vulnerable victims of abuse and neglect. The majority of elder abuse is committed by a family member, a trusted person, or a caregiver. The older or vulnerable adult may still deeply love and care for the person who has hurt them. They may still fear the perpetrator and the repercussions that a legal proceeding may have on their family. This complex dynamic often leads victims to experience severe stress and anxiety when giving testimony at a trial. This emotional toll can, unfortunately, lead victims to minimize the abuse they have experienced, refuse to testify, or even recant the allegations.

In addition to the emotional toll, a court hearing can present significant physical barriers for vulnerable adults. They may no longer drive and struggle to secure safe, accessible transportation. They may have hearing and/or vision impairments. They may use an oxygen tank or require other medical equipment. They may have trouble walking, have issues with balance, or dexterity. All of these challenges can leave the victim feeling physically and emotionally drained by the time they are asked to give testimony in trial.

This bill would allow victims to make statements in a safe, comfortable environment without the perpetrator present. It would also allow the victim to make an out-of-court statement closer in time to the event when their memory is likely to be clearer.

Expanding 11-304 to include child and vulnerable adult victims and witnesses to certain crimes, will allow a judge or jury to hear a full and reliable account of what happened to a victim or what a witness saw.

The Maryland Chapter of the National Association of Social Workers urges a favorable report on Senate Bill 776!

Thank you,
NASW-Maryland
Committee on Aging