

HOUSE BILL 762

E3

3lr1719
CF SB 503

By: **Delegates Cardin, Moon, and Pasteur**

Introduced and read first time: February 8, 2023

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Child Advocacy Centers – Care Providers**

3 FOR the purpose of establishing procedures for child advocacy centers when there is a
4 change in specified health care providers for children at the center; establishing that
5 the Health Care Worker Whistleblower Protection Act applies to certain health care
6 providers working with child advocacy centers to ensure their protection under
7 certain circumstances; and generally relating to child advocacy centers.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Procedure
10 Section 11–928
11 Annotated Code of Maryland
12 (2018 Replacement Volume and 2022 Supplement)

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

15 **Article – Criminal Procedure**

16 11–928.

17 (a) The Governor’s Office of Crime Prevention, Youth, and Victim Services shall
18 establish and sustain child advocacy centers in the State and ensure that every child in the
19 State has access to a child advocacy center.

20 (b) The child advocacy centers:

21 (1) may be based in private nonprofit organizations, local departments of
22 social services, local law enforcement agencies, or a partnership among any of these
23 entities;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

(3) shall assist in the response to or investigation of allegations of sexual crimes against children under Title 3, Subtitle 3 of the Criminal Law Article and sexual abuse of minors under Title 3, Subtitle 6 of the Criminal Law Article and Title 5, Subtitle 7 of the Family Law Article;

(4) may assist in the response to or investigation of allegations of child abuse and neglect under Title 3, Subtitle 6 of the Criminal Law Article and Title 5, Subtitle 7 of the Family Law Article and allegations of a crime of violence in the presence of a minor under § 3–601.1 of the Criminal Law Article;

(5) shall provide a level of care that meets or exceeds the national accreditation standards for child advocacy centers established by the Maryland Statewide Organization for Child Advocacy Centers under subsection [(d)] (E) of this section; and

(6) shall be included in all joint investigation procedures developed in accordance with § 5–706 of the Family Law Article.

(C) (1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE CHILD ADVOCACY CENTERS SHALL PROVIDE WRITTEN NOTIFICATION WITHIN 48 HOURS TO THE CHILD AND THE CHILD’S PARENT OR GUARDIAN WHEN THERE IS A CHANGE IN THE CHILD’S BEHAVIORAL, MENTAL, OR OTHER HEALTH CARE PROVIDER.

(II) THE NOTIFICATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE THE NAME AND CONTACT INFORMATION OF THE NEW AND PREVIOUS PROVIDERS.

(III) A CHILD ADVOCACY CENTER IS NOT REQUIRED TO PROVIDE THE NOTIFICATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IF THE CHILD ADVOCACY CENTER HAS REASON TO BELIEVE THAT THE NOTIFICATION MAY ENDANGER THE CHILD.

(2) THE PREVIOUS PROVIDER SHALL BE ALLOWED TO CONTACT THE CHILD AND THE CHILD’S PARENT OR GUARDIAN TO CONDUCT A TERMINATION SESSION AND ASSIST IN TRANSFERRING THE CHILD’S CARE TO THE NEW PROVIDER, UNLESS THE CHILD ADVOCACY CENTER HAS TERMINATED THE PREVIOUS PROVIDER FOR CONDUCT DETRIMENTAL TO THE HEALTH, SAFETY, AND WELFARE OF A CHILD.

(3) THE HEALTH CARE WORKER WHISTLEBLOWER PROTECTION ACT UNDER TITLE 1, SUBTITLE 5 OF THE HEALTH OCCUPATIONS ARTICLE APPLIES TO BEHAVIORAL, MENTAL, AND OTHER HEALTH CARE PROVIDERS WORKING WITH

**CHILD ADVOCACY CENTERS TO ENSURE THEIR PROTECTION IF RAISING CONCERNS
ABOUT CENTER OPERATIONS, SERVICES, AND STANDARDS OF CARE.**

[(c)] (D) The Governor's Office of Crime Prevention, Youth, and Victim Services may contract with public or private nonprofit organizations to operate child advocacy centers.

[(d)] (E) (1) The Governor's Office of Crime Prevention, Youth, and Victim Services shall contract with a nonprofit organization that is qualified under § 501(c)(3) of the Internal Revenue Code and represents urban, rural, and suburban child advocacy centers in the State to establish a Maryland Statewide Organization for Child Advocacy Centers.

(2) The purpose of the Maryland Statewide Organization for Child Advocacy Centers is to provide training, technical assistance, data collection, and capacity building to meet local, State, and national requirements for child advocacy centers.

(3) The Maryland Statewide Organization for Child Advocacy Centers shall establish standards for child advocacy centers in the State that meet national accreditation standards for child advocacy centers and shall include:

(i) multidisciplinary teams that include representation from law enforcement, prosecutors, child protective services, the medical and mental health fields, and victim advocacy;

(ii) cultural competency and diversity;

(iii) forensic interviews that are neutral, fact-finding, and avoid duplicative interviewing;

(iv) victim support and advocacy for children and caregivers, including appropriate counseling, legal, and medical services or referrals;

(v) medical evaluations;

(vi) mental health services;

(vii) a formal case review process;

(viii) a case tracking, monitoring, and outcomes process;

(ix) organizational capacity;

(x) creating a child-focused setting that is comfortable, safe, and private; and

(xi) any additional necessary standards.

1 **[(e)] (F)** Money for child advocacy centers:

2 (1) shall be distributed to child advocacy centers in accordance with a
3 formula agreed on by the Maryland Statewide Organization for Child Advocacy Centers
4 and the Governor's Office of Crime Prevention, Youth, and Victim Services;

5 (2) shall be used to supplement, not supplant, money that the program
6 receives from other sources; and

7 (3) may be used to assist child advocacy centers in meeting the standards
8 under subsection **[(d)] (E)** of this section.

9 **[(f)] (G)** On or before June 1 each year, the Governor's Office of Crime
10 Prevention, Youth, and Victim Services shall submit an annual report, in accordance with
11 § 2-1257 of the State Government Article, on child advocacy centers to the General
12 Assembly.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2023.