

SENATE BILL 739

E2, D4

9lr1750
CF 9lr2143

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

Introduced and read first time: February 4, 2019

Assigned to: Judicial Proceedings

A BILL ENTITLED

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; and generally relating to child advocacy centers.

22 BY repealing and reenacting, with amendments,
23 Article – Criminal Procedure
24 Section 11–923(h)
25 Annotated Code of Maryland
26 (2018 Replacement Volume)

27 BY repealing and reenacting, with amendments,
28 Article – Family Law
29 Section 5–706(f)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2012 Replacement Volume and 2018 Supplement)

3 BY repealing and reenacting, without amendments,
4 Article – Family Law
5 Section 5–706(g)(1)
6 Annotated Code of Maryland
7 (2012 Replacement Volume and 2018 Supplement)

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

10 **Article – Criminal Procedure**

11 11–923.

12 **[(h) (1)] 11–928.**

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

17 **[(2)] (B)** The child advocacy centers:

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

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

23 **[(iii)] (3)** shall **[investigate]** **ASSIST IN THE RESPONSE TO OR**
24 **INVESTIGATION OF** allegations of sexual crimes against children **UNDER TITLE 3,**
25 **SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE** and sexual abuse of minors **UNDER §**
26 **3–602 OF THE CRIMINAL LAW ARTICLE;**

27 **(4)** **MAY ASSIST IN THE RESPONSE TO OR INVESTIGATION OF**
28 **ALLEGATIONS OF CHILD ABUSE AND NEGLECT UNDER §§ 3–601 AND 3–602.1 OF THE**
29 **CRIMINAL LAW ARTICLE AND ALLEGATIONS OF A CRIME OF VIOLENCE IN THE**
30 **PRESENCE OF A MINOR UNDER § 3–601.1 OF THE CRIMINAL LAW ARTICLE;**

31 **[(iv)] (5)** shall provide **[or facilitate referrals to appropriate**
32 **counseling, legal, medical, and advocacy services for victims]** **A LEVEL OF CARE THAT**
33 **MEETS OR EXCEEDS THE NATIONAL ACCREDITATION STANDARDS FOR CHILD**

1 **ADVOCACY CENTERS ESTABLISHED BY THE MARYLAND STATEWIDE ORGANIZATION**
2 **FOR CHILD ADVOCACY CENTERS UNDER SUBSECTION (D) OF THIS SECTION; and**

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

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

7 **(D) (1) THE GOVERNOR’S OFFICE OF CRIME CONTROL AND**
8 **PREVENTION SHALL CONTRACT WITH A NONPROFIT ORGANIZATION QUALIFIED**
9 **UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE TO ESTABLISH A MARYLAND**
10 **STATEWIDE ORGANIZATION FOR CHILD ADVOCACY CENTERS.**

11 **(2) THE PURPOSE OF THE MARYLAND STATEWIDE ORGANIZATION**
12 **FOR CHILD ADVOCACY CENTERS IS TO PROVIDE TRAINING, TECHNICAL**
13 **ASSISTANCE, DATA COLLECTION, AND CAPACITY BUILDING TO MEET LOCAL, STATE,**
14 **AND NATIONAL REQUIREMENTS FOR CHILD ADVOCACY CENTERS.**

15 **(3) THE MARYLAND STATEWIDE ORGANIZATION FOR CHILD**
16 **ADVOCACY CENTERS SHALL ESTABLISH STANDARDS FOR CHILD ADVOCACY**
17 **CENTERS IN THE STATE THAT MEET NATIONAL ACCREDITATION STANDARDS FOR**
18 **CHILD ADVOCACY CENTERS AND SHALL INCLUDE:**

19 **(I) MULTIDISCIPLINARY TEAMS THAT INCLUDE**
20 **REPRESENTATION FROM LAW ENFORCEMENT, PROSECUTORS, CHILD PROTECTIVE**
21 **SERVICES, THE MEDICAL AND MENTAL HEALTH FIELDS, AND VICTIM ADVOCACY;**

22 **(II) CULTURAL COMPETENCY AND DIVERSITY;**

23 **(III) FORENSIC INTERVIEWS THAT ARE NEUTRAL,**
24 **FACT-FINDING, AND AVOID DUPLICATIVE INTERVIEWING;**

25 **(IV) VICTIM SUPPORT AND ADVOCACY FOR CHILDREN AND**
26 **CAREGIVERS, INCLUDING APPROPRIATE COUNSELING, LEGAL, AND MEDICAL**
27 **SERVICES OR REFERRALS;**

28 **(V) MEDICAL EVALUATIONS;**

29 **(VI) MENTAL HEALTH SERVICES;**

30 **(VII) A FORMAL CASE REVIEW PROCESS;**

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

1 (IX) ORGANIZATIONAL CAPACITY;

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

4 (XI) ANY ADDITIONAL NECESSARY STANDARDS.

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

8 (2) (I) MONEY FOR CHILD ADVOCACY CENTERS SHALL BE
9 DISTRIBUTED TO CHILD ADVOCACY CENTERS IN ACCORDANCE WITH A FORMULA
10 AGREED ON BY THE MARYLAND STATEWIDE ORGANIZATION FOR CHILD ADVOCACY
11 CENTERS AND THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION.

12 (II) MONEY FOR CHILD ADVOCACY CENTERS MAY BE USED TO
13 ASSIST CHILD ADVOCACY CENTERS IN MEETING THE STANDARDS UNDER
14 SUBSECTION (D) OF THIS SECTION.

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

18 (4) MONEY APPROPRIATED FOR THE CHILD ADVOCACY CENTERS
19 SHALL BE USED TO SUPPLEMENT, NOT SUPPLANT, MONEY THAT THE PROGRAM
20 RECEIVES FROM OTHER SOURCES.

21 (5) IN EACH FISCAL YEAR BEGINNING WITH FISCAL YEAR 2021, THE
22 GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL SUBMITTED TO THE
23 GENERAL ASSEMBLY A GENERAL FUND APPROPRIATION FOR CHILD ADVOCACY
24 CENTERS FUNDED UNDER THIS SECTION IN AN AMOUNT NOT LESS THAN THE
25 APPROPRIATION MADE FOR THE CHILD ADVOCACY CENTERS IN THE IMMEDIATELY
26 PRECEDING FISCAL YEAR, INCREASED BY NOT LESS THAN THE PERCENTAGE BY
27 WHICH THE PROJECTED TOTAL GENERAL FUND REVENUES FOR THE UPCOMING
28 FISCAL YEAR EXCEED THE REVISED ESTIMATE OF TOTAL GENERAL FUND
29 REVENUES SUBMITTED BY THE BOARD OF REVENUE ESTIMATES TO THE GOVERNOR
30 UNDER § 6-106(B) OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

31 [(5)] (F) On or before [January] JUNE 1 each year, the Governor's Office
32 of Crime Control and Prevention shall submit an annual report, in accordance with §
33 2-1246 of the State Government Article, on child advocacy centers to the General Assembly.

1 **Article – Family Law**

2 5–706.

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

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

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

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2019.