

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 1018

PRINTER NO. 1275

AMOUNT

No Fiscal Impact

FUND

General Fund

DATE INTRODUCED

December 12, 2023

PRIME SPONSOR

Senator Kearney

DESCRIPTION

Senate Bill 1018 amends Title 2 (Administrative Law and Procedure) to extend the protections provided to child witnesses during civil and criminal proceedings to administrative proceedings before the Department of Human Services.

The bill allows the Department of Human Services to designate a person to accompany and provide various services to children who are material witnesses in a proceeding before the department. The following services may be provided:

- An explanation, in language readily understood by the child, of all proceedings in which the child will be involved;
- Advice to the department regarding the child’s ability to understand and participate in the proceedings; and
- Assistance for the child and the child’s family in coping with the emotional impact of the proceedings.

The persons designated by the department may be attorneys or other persons who, through their service as rape crisis or domestic violence counselors, or who, by virtue of membership in a community services organization, or other experience acceptable to the department, possess the education, experience or training in counseling for victims of child abuse, sexual abuse or exploitation.

During the hearing, an alternative method of testimony shall be utilized if:

- A child is either the subject or material witness to a substantiated report of child abuse or sexual abuse or exploitation by a party to a proceeding that is before the department; and
- An alternative method of testimony is necessary to protect and promote the best interests of the child.

“Alternative method of testimony” is defined as a procedural accommodation that will aid a child in providing testimony in a proceeding before the department. The definition shall include, but not be limited to:

- Allowing a child access to a person, animal or object to provide emotional support or mitigate emotional trauma to the child during the proceeding; or

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- A contemporaneous alternative method of testimony as defined in Chapter 59, Subchapter D, Section 5982 of Title 42 (Judiciary and Judicial Procedure).

This act shall take effect in 60 days.

FISCAL IMPACT:

Enactment of Senate Bill 1018 will have no fiscal impact on Commonwealth funds.