

President of the Senate
State House
Annapolis, Maryland 21404

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed Senate Bill 905.

I have been advised by the Department of Human Resources that the privilege established by this legislation between licensed social workers and their clients will result, inadvertently but unavoidably, in the loss of vital evidence necessary to protect the interest of children in various juvenile, guardianship and adoption proceedings.

Members of the judiciary, state's attorneys and many organizations which advocate the rights of children have also expressed the view that the creation of this privileged communication will create substantial problems.

This legislation provides that a client receiving counseling from a licensed social worker has a privilege to refuse to disclose, and to prevent a witness from disclosing, communications by the client made while receiving such counseling. A licensed certified social worker is defined as "any person licensed as a certified social worker under Title 18 of the Health Occupations Article."

Title 18 requires that an individual obtain a license before practicing social work in Maryland. There is an exception to this requirement for public employees. However, public employees may choose to apply for a license, and many public social workers in local departments of social services do in fact choose to become licensed. Therefore this bill will apply to many public social workers who provide protective services to both children and adults.

Thus, if Senate Bill 905 were to be signed into law, it would mean that in many court proceedings involving abuse, neglect, guardianship and adoption, licensed social workers in local departments of social services could be prevented from testifying to pertinent, often determinative evidence. Statements made to such social workers by parents whose children have been abused or neglected or statements made by the children themselves could be suppressed by the parent, resulting in the loss of important evidence and ultimately the inability of the State to protect the child from further harm or mistreatment. This could particularly occur in Child in Need of Assistance (CINA) proceedings when an order of protective supervision or out-of-home placement is requested, or upon review of placement or custody orders. Although it is not possible to know exactly how many