

Department of Legislative Services  
Maryland General Assembly  
2005 Session

FISCAL AND POLICY NOTE

House Bill 694  
Judiciary

(Delegate Burns)

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Family Law - Child Abuse and Neglect - Procedures

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This bill provides that if a minor alleges to be a victim of domestic abuse, and the minor is living in the family home with the minor's parent or guardian, the law enforcement officer who is investigating the allegation at the family home must attempt, to the extent possible, to interview the minor's parent or guardian before interviewing the minor, if it does not conflict with the investigation or endanger the minor. Promptly after receiving a report that a child may have been a victim of suspected abuse or neglect, the local department of social services and/or the appropriate law enforcement agency must attempt, to the extent possible, to have an on-site interview with the child's caretaker before seeing the child, if it does not conflict with the investigation or endanger the child.

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Fiscal Summary

**State Effect:** The bill's requirements could be met with existing resources.

**Local Effect:** The bill's requirements could be met with existing resources.

**Small Business Effect:** None.

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Analysis

**Current Law:** Any person who alleges to have been a victim of domestic abuse and who believes there is a danger of serious and immediate personal harm may request the help of local law enforcement. A local law enforcement officer who responds to the request must protect the person from harm when responding, and accompany the person to the family home so that the person may remove the personal clothing of the person and of any child in the person's care and other personal effects.

Promptly after receiving a report that a child may have been a victim of suspected abuse or neglect, the appropriate agency must make a thorough investigation of that report to protect the child or children. For a report of suspected abuse, the local department of social services or appropriate law enforcement agency, or both, must investigate; for a suspected neglect report, the local department must investigate.

Within 24 hours after receiving a report of suspected physical or sexual abuse of a child or within five days after receiving a report of suspected neglect or mental injury of a child, the local department or the appropriate law enforcement agency must:

- see the child;
- attempt to have an on-site interview with the child's caretaker;
- decide on the safety of the child, wherever the child is, and the safety of other children in the household; and
- decide on the safety of other children in the care or custody of the alleged abuser.

The investigation of suspected abuse or neglect must include a determination of the nature, extent, and cause of the abuse or neglect, if any. If mental injury is suspected, there must be an assessment by two of either: a licensed physician, a licensed psychologist, or a licensed social worker. If suspected abuse or neglect is verified, there must be a determination of the identity of the person or persons responsible, a determination of the name, age, and condition of any other child in the household; an evaluation of the parents in the home environment, a determination of any other pertinent facts, and a determination of any needed services.

The local department, the appropriate law enforcement agency, the State's Attorney in each county and Baltimore City, the Department of Human Resources' Office for Child Care Regulation, and the local health officer must enter into a written agreement that specifies standard operating procedures for investigation of abuse and neglect.

**Background:** The Department of Human Resources (DHR) reports that over the past five years there has been a marked decrease in the number of child protective services investigations with an indicated finding of abuse or neglect. The number of such cases in fiscal 2000 was 8,074. In fiscal 2004, the number declined to 6,647. The Department of Legislative Services advises, however, that while these statistics may indicate that the number of maltreated children is declining due to DHR's prevention efforts and family services, there are other possibilities. The decline could also reflect that caseworkers are less likely to conclude an indicated finding in their investigations, fluctuations in reporting, and possible inadvertent variations in thresholds for determining indicated findings due to caseworker shortages and understaffing.

The federal Child Abuse Prevention and Treatment Act (CAPTA) was enacted in 1974 and reauthorized in 2003. CAPTA provides federal funding to states to support the prevention, assessment, investigation, prosecution, and treatment of child abuse and neglect. One of the requirements for continued federal funding is that states develop procedures for a child protective services agency representative, at the time of initial contact with an individual subject to a child abuse or neglect investigation, to advise the individual of the complaint or allegations made against the individual.

**Local Fiscal Effect:** Baltimore City, Caroline, and Calvert counties advise that the bill is not likely to have a fiscal impact. Montgomery County advises that the county may spend more on legal fees to force parents to allow children to be interviewed.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Montgomery County, Prince George's County, Caroline County, Calvert County, Howard County, Department of Human Resources, Department of State Police, Baltimore City, Department of Legislative Services

**Fiscal Note History:** First Reader - February 22, 2005  
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