

**Department of Legislative Services**  
Maryland General Assembly  
2011 Session

**FISCAL AND POLICY NOTE**

House Bill 134

(Chair, Judiciary Committee)(By Request - Departmental  
- Human Resources)

Judiciary

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**Family Law - Child Abuse and Neglect - Expungement of Reports and Records -  
Time Period**

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This departmental bill expands the time period after which a local department of social services is required to expunge specified reports and records of suspected child abuse and neglect. Unless the report is indicated or the local department has received additional reports, the reports of suspected abuse or neglect, all assessments, and investigative findings must be expunged within five years after the date of referral.

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**Fiscal Summary**

**State Effect:** The bill's requirements can be absorbed within existing resources.

**Local Effect:** None.

**Small Business Effect:** The Department of Human Resources has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

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**Analysis**

**Current Law:** Promptly after receiving a report of suspected abuse of a child who lives in this State, a local department of social services and/or the appropriate law enforcement agency must make a thorough investigation. A local department of social services must make a thorough investigation of a report of suspected neglect.

If the report is “ruled out” (a finding that abuse, neglect, or sexual abuse did not occur), and no further reports are received during the next 120 days, the local department must expunge the report and all assessments and investigative findings within 120 days after the date of referral.

The local department must expunge a report of suspected abuse or neglect, all assessments, and investigative findings, within five years after the date of referral, if the local department concludes that the report is “unsubstantiated” (a finding that there is insufficient evidence to support a finding of indicated or ruled out) and no further reports of abuse or neglect are received during the next five years.

“Indicated” is a finding that there is credible evidence, which has not been satisfactorily refuted, that abuse, neglect, or sexual abuse did occur. Within 30 days after completion of an investigation of child abuse or neglect in which there is a finding of either indicated or unsubstantiated abuse or neglect, the local department must notify the individual alleged to have abused or neglected the child of the finding and the opportunity to appeal the finding, as specified in statute. If the finding is for indicated abuse or neglect, the individual must also be notified that he/she is subject to identification in a central registry of individuals responsible for abuse or neglect. If the finding is for unsubstantiated abuse or neglect, an individual may request a conference with a supervisor in the local department by responding to the notice within 60 days. The individual has the right to review a summary of the conference and request a contested case hearing, as provided by statute.

**Background:** The Department of Human Resources (DHR) advises that this proposal is intended to maximize the protection of children who have been in contact with the child welfare system. DHR indicates that because “ruled out” reports are expunged after 120 days, social work professionals do not have a complete picture of a family under investigation and have no way of knowing whether the latest report is part of a pattern that is only now rising to the level of actual abuse or neglect. DHR has expunged all information related to 22,000 “screened out” reports (a report is “screened out” if it is not accepted for investigation) and 14,000 “ruled out” investigations. The expungement includes all contact information, assessments, and family history obtained in an investigation or as part of an earlier report. DHR also advises that in cases where a more intensive focus is appropriate, and all information has been expunged, social workers have to redo preliminary investigations since the social worker is unable to examine patterns and practices when questions are raised about prior screened out and ruled out reports.

DHR further indicates that the expungement of reports and records may prevent the State from conducting adequate reviews and self-assessments and may even preclude DHR and local departments from proper defense against legal claims arising from the agencies' actions or inactions in certain cases.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Baltimore City, Montgomery County, Department of Human Resources, Judiciary (Administrative Office of the Courts), Department of State Police, Office of the Public Defender, Department of Legislative Services

**Fiscal Note History:** First Reader - February 8, 2011  
ncs/hlb

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## ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Family Law – Child Abuse and Neglect – Expungement of Records -  
Modification

BILL NUMBER: HB 134

PREPARED BY: Department of Human Resources

### PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL  
BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL  
BUSINESSES

### PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.