

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1284

(Delegate Lee, *et al.*)

Judiciary

Judicial Proceedings

Family Law - Child Abuse and Neglect - Provision of Information to Health Care
Practitioners

This bill requires the Department of Human Resources (DHR) or a local department of social services to provide specified information, on request, to a health care practitioner or another entity who is providing treatment or care to a child who is the subject of a report of child abuse or neglect, for a purpose relevant to the treatment or care. The bill also establishes a reporting requirement for DHR.

Fiscal Summary

State Effect: DHR can handle the bill's requirements using existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: If requested by a health care practitioner or another entity providing treatment or care to a child who is the subject of a report of child abuse or neglect for a purpose relevant to the treatment or care being provided, DHR or a local department must provide to the requestor (1) information regarding the condition and well-being of the child; (2) information regarding the medical, mental health, and developmental needs of the child; (3) the name of any other health care practitioner identified in the record as providing care or treatment to the child; and (4) any other relevant information in the record or report. In providing this information, DHR or a local department may not

release information related to the identity of the person who reported the child abuse or neglect.

DHR must work with relevant stakeholders to (1) identify additional policies, procedures, and systems that can be implemented to improve communication between DHR, local departments of social services, and health care practitioners regarding the health care needs of children who are the subject of a report of child abuse and neglect and (2) consider the issues relevant to the adoption by DHR of requirements for affirmative communication with health care practitioners. By December 1, 2014, DHR must report on the outcome of this work to the Senate Judicial Proceedings Committee and the House Judiciary Committee.

Current Law: After receiving a report of suspected abuse or neglect of a child who lives in Maryland that is alleged to have occurred in the State, the local department of social services and/or the appropriate law enforcement agency must promptly investigate the report to protect the health, safety, and welfare of the child or children. Within 24 hours after receiving a report of suspected physical or sexual child abuse and within five days after receiving a report of suspected child neglect or mental injury, the local department or law enforcement agency must (1) see the child; (2) attempt to have an on-site interview with the child's caretaker; (3) decide on the safety of the child and of other children in the household; and (4) decide on the safety of the other children in the care or custody of the alleged abuser.

As needed by the local department as part of its investigation or to provide appropriate services in the best interests of the child who is the subject of a report of child abuse or neglect, upon request, the local department must receive copies of a child's medical records from any provider of medical care. "Provider" includes a physician, multidisciplinary team or multidisciplinary team member, a child advocacy center, a health care facility, or health care facility personnel.

Reports of child abuse and neglect may also be referred for an alternative response in specified circumstances. An "alternative response" means a component of the child protective services program that provides for a comprehensive assessment of (1) risk of harm to the child; (2) risk of subsequent child abuse or neglect; (3) family strengths and needs; and (4) the provision of or referral for necessary services. An alternative response does not include an investigation or a formal determination as to whether child abuse or neglect has occurred. Only a low-risk report of abuse or neglect may be considered for an alternative response.

When a report is referred for an alternative response, the local department must (1) see the child and the child's parent or primary caretaker within 24 hours after receiving a report of physical abuse and within five days of receiving a report of neglect; (2) attempt

to have an on-site interview with the child's parent or primary caretaker; (3) evaluate the child's home environment; (4) decide on the safety of the child, wherever the child is, and of other children in the household; (5) decide on the safety of other children in the care or custody of the individual suspected of abuse or neglect; (6) advise the appropriate law enforcement agency that the report has been assigned for an alternative response, if the law enforcement agency made the report of abuse or neglect; (7) inform the suspected child abuser or neglector of the allegations made against the individual in a manner consistent with laws protecting the rights of the person that made the report; (8) complete an alternative response assessment within 60 days after the receipt of the report; and (9) within 10 days after completing the alternative response assessment, provide a written report to the family members who are participating in the alternative response assessment as to whether and what services are needed to address the safety of the child or other household children and the risk of subsequent abuse or neglect.

Consistent with the assessment and any safety or services plans, the local department must also (1) render any appropriate services in the best interests of the child; (2) refer the family or child for additional services; or (3) as necessary for the safety of the child or other household children, establish a plan to monitor the safety plan and the provision or completion of appropriate services.

Reports and records concerning child abuse and neglect are confidential and may not be disclosed unless permitted by one of a number of statutory exceptions. An unauthorized disclosure is a misdemeanor subject to imprisonment not exceeding 90 days and/or a fine not exceeding \$500.

Additional Information

Prior Introductions: None.

Cross File: SB 685 (Senator Zirkin) - Judicial Proceedings.

Information Source(s): Department of Human Resources, Department of Health and Mental Hygiene, Department of Legislative Services

Fiscal Note History: First Reader - February 24, 2014
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