

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

House Bill 1344
Judiciary

(Delegates Cardin and Stein)

Task Force on Preventing Child Sexual Abuse

This bill establishes a Task Force on Preventing Child Sexual Abuse. The Maryland State Department of Education (MSDE) must provide staff support for the task force. The task force must study and make recommendations for preventing child sexual abuse in the State. The task force must gather information concerning child sexual abuse in the State; receive reports and testimony from individuals, State and local agencies, community-based organizations, and any other entity involved in child welfare and preventing sexual abuse of children; review steps taken and programs established in other states relating to preventing child sexual abuse; and establish specified guidelines. The task force must report its findings and recommendations to the Governor; the Senate Education, Health, and Environmental Affairs Committee; and the House Ways and Means Committee by December 31, 2014.

The bill takes effect July 1, 2014, and terminates June 30, 2015.

Fiscal Summary

State Effect: Any expense reimbursements for task force members and staffing costs for MSDE are assumed to be minimal and absorbable within existing resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The task force must establish guidelines for:

- school policies addressing sexual abuse of children;
- developing and implementing age-appropriate, evidence-based curriculum and instruction for students concerning child sexual abuse awareness and prevention;
- appropriate responses by school personnel to students who have been affected by sexual abuse; and
- developing and disseminating to parents and guardians of students (1) educational materials on the warning signs of child sexual abuse and (2) information on assistance and resource referrals.

Current Law: A local board of education may not knowingly hire or retain any individual who has been convicted of a crime involving child sexual abuse. Similar prohibitions apply to certain nonpublic schools with respect to employees who work or have access to students. Also, a local school system may not permit an individual to operate a school vehicle, or serve as a school vehicle attendant, if the individual has been convicted of, or faces pending criminal charges for, a crime involving child abuse or neglect.

Mandatory Reporters

Health care practitioners, police officers, educators, and human service workers who are acting in a professional capacity, and who have reason to believe that a child has been subjected to abuse or neglect, must notify the local department of social services or the appropriate law enforcement agency. An “educator or human service worker” includes any teacher, counselor, social worker, caseworker, and parole or probation officer. If the worker is acting as a staff member of a hospital, public health agency, child care institution, juvenile detention center, school, or similar institution, then the individual must notify the head of the institution or the designee.

In general, a person other than a health care practitioner, police officer, educator, or human service worker who has reason to believe that a child has been subjected to abuse or neglect must notify the local department of social services or the appropriate law enforcement agency. Attorneys and clergy are generally exempt from reporting if they become aware of suspected abuse or neglect through privileged communications, as specified in statute. Individuals (other than those who are required to report because of their professional capacity) who in good faith make or participate in making a report of abuse or neglect or participate in an investigation or resulting judicial proceeding are immune from civil liability or criminal penalties.

Background: Estimates of how many children are victims of child sexual abuse vary considerably due largely to differing definitions of sexual abuse, differences in time

periods considered, and underreporting of sexual abuse. One meta-analysis of 22 American-based studies suggests that 30% to 40% of girls and 13% of boys experience sexual abuse during childhood. Many sexually abused children exhibit physical and behavioral symptoms. *Practical Strategies for School Counselors* developed by MSDE lists some of these indicators of sexual abuse.

MSDE reports that because educators are required to report child abuse and neglect under the Family Law Article, all local school systems provide training to all school personnel on child abuse and neglect policies and procedures. According to statute, child abuse specifically includes sexual abuse. The training also includes symptoms of child abuse and neglect as well as the related programs and services available. As part of the State's health education curriculum, local school systems also address abuse and assault (including sexual assault), as well as harassment (including sexual harassment) in a manner that differs progressively by grade.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Crimes Against Children Research Center, Maryland State Department of Education, Department of Health and Mental Hygiene, Department of State Police, Department of Legislative Services

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mm/rhh

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