

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

House Bill 6
Judiciary

(Delegate Glenn)

Family Law - Unattended Child Under the Age of 3 Years

This emergency bill prohibits a person who is charged with the care of a child younger than age three from allowing the child to be locked or confined in a dwelling, building, enclosure, or motor vehicle that is out of the person's sight while the person charged is absent unless a reliable person who is at least age 15 remains with the child for protection. Existing penalties relating to unattended children apply to a violation of the bill's provisions.

Fiscal Summary

State Effect: General and federal fund expenditures increase for the Department of Human Resources (DHR) to investigate additional reports of child neglect. Potential minimal increase in general fund revenues from the bill's penalty provisions. The bill does not materially impact the workload of the Judiciary.

Local Effect: The bill does not materially impact the workload of the circuit courts. Any potential minimal increase in expenditures due to the bill's penalty provisions does not materially impact local finances. Enforcement can be handled with existing resources.

Small Business Effect: None.

Analysis

Current Law: A person charged with the care of a child younger than age eight may not allow the child to be locked or confined in a dwelling, building, enclosure, or motor vehicle while the person charged is absent and out of sight of the dwelling, building, enclosure, or motor vehicle unless the person provides a reliable person at least 13 years old to remain

with the child for protection. A violator is subject to maximum penalties of a \$500 fine and/or 30 days imprisonment.

Child neglect means the leaving of a child unattended or other failure to give proper care and attention to a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of the child under circumstances that indicate (1) that the child's health or welfare is harmed or placed at substantial risk of harm or (2) mental injury to the child or a substantial risk of mental injury.

Background: The Judiciary advises that for the District Court in fiscal 2014, there were 580 violations of the prohibition against leaving a child unattended.

State Expenditures: General and federal fund expenditures for DHR increase to the extent that the bill necessitates additional investigations of reports of child neglect which cannot be absorbed by existing DHR caseworkers. The number of additional investigations that may be generated by the bill cannot be reliably predicted beforehand. However, *for illustrative purposes only*, to the extent that additional caseworkers are required, the Department of Legislative Services advises that expenditures increase by approximately \$71,100 (approximately \$49,100 in general funds and \$22,000 in federal funds) in fiscal 2016, which assumes enactment of the bill by May 1, 2015, and by at least \$74,200 (approximately \$51,200 in general funds and \$23,000 in federal funds) annually thereafter for each new caseworker.

Additional Information

Prior Introductions: HB 383 of 2014 received an unfavorable report from the House Judiciary Committee. HB 1480 of 2013 was referred to the House Rules and Executive Nominations Committee, but was subsequently withdrawn.

Cross File: None.

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

Fiscal Note History: First Reader - January 26, 2015
mar/kdm

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