

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1550
Judiciary

(Delegate Arikan)

**Child Care Providers – Notice of Allegations of Child Abuse or Neglect
(Aiden’s Law)**

This bill requires the designee of the State Superintendent of Schools, upon receipt of required notification regarding suspected child abuse within child care facilities, to ensure that specified notice to parents and guardians has been provided. Family child care providers and child care centers must provide notice to parents or guardians of all children who are under the care of the provider/center of a report or incident of suspected child abuse or neglect that is alleged to have occurred on the premises. The bill also establishes additional requirements for the notice and establishes related civil penalties. **The bill takes effect July 1, 2020.**

Fiscal Summary

State Effect: The Maryland State Department of Education can implement procedures to enforce the bill’s requirements using existing resources. Potential minimal increase in civil penalty revenues to the general fund from the bill’s penalty provisions.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary: The notice must be provided within 24 hours after first having knowledge of a report or an incident of suspected child abuse or neglect that is alleged to have occurred on the premises. The required notice must be provided in writing, in person, or electronically, and must include:

- a statement that a suspected incident of child abuse or neglect occurred on the premises of the family child care home, large family child care home, or child care center, as applicable;
- the contact information for the local child advocacy center; and
- any other appropriate information relating to local resources for child mental health.

A person may not provide the notice if the local department or local law enforcement agency that receives the report of suspected child abuse or neglect advises that providing the notice would interfere with an ongoing investigation.

A person who violates the bill's requirements is subject to a maximum civil penalty of \$500.

Current Law:

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.

A worker who notifies the appropriate authorities must make an oral report by telephone or direct communication as soon as possible to the local department or the appropriate law enforcement agency if the worker has reason to believe the child has been subjected to abuse or neglect. A written report to the local department is required not later than 48 hours after the contact, examination, or treatment that caused the worker to believe that the child had been subjected to abuse or neglect. A copy of the written report must be provided to the local State's Attorney. An agency that receives an oral report of suspected abuse or neglect must immediately notify the other agency.

As far as reasonably possible, a worker who makes a report must include the name, age, and home address of the child; the name and home address of the child's parent or other person responsible for the child's care; the whereabouts of the child; and the nature and extent of the child abuse or neglect. The report must include any available evidence about previous instances of abuse or neglect, any information that would help to determine the cause of the suspected abuse or neglect, and the identity of any person responsible for the abuse or neglect.

Reporting by Other Individuals: Although the term "mandatory reporters" refers only to individuals who must report suspected child abuse or neglect because of their professional capacity, State law generally requires all individuals to report suspected child abuse and neglect. For example, pursuant to § 5-705 of the Family Law Article, 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.

Investigation of Reports: Local departments of social services, appropriate law enforcement agencies, the State's Attorneys in the counties and Baltimore City, the local department's office responsible for child care regulation, the local health officer, and the local child advocacy center must enter into a written agreement pertaining to standard operating procedures for investigations of suspected abuse or neglect. A joint investigation procedure must be implemented for conducting investigations of sexual abuse, which must include techniques for expediting validation of sexual abuse complaints and other techniques to decrease trauma to the child. Statutory provisions specify timeframes by which investigations and reports must be completed.

Suspected Child Abuse within Child Care Facilities: A local department that receives a report of suspected child abuse must notify the State Superintendent of Schools' designee within 48 hours if the report concerns a family child care home or large family child care home or a child care center. Upon receipt of this notification, the designee must convene, either in person or by telephone, a multidisciplinary team to coordinate procedures, as specified, to be followed in investigating and otherwise responding to the report.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland Association of County Health Officers; Baltimore City; Montgomery and Prince George's counties; Maryland State Department of Education; Maryland Department of Health; Department of Human Services; Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - March 3, 2020
mr/rhh

Analysis by: Jennifer K. Botts

Direct Inquiries to:
(410) 946-5510
(301) 970-5510