

**Department of Legislative Services**  
 Maryland General Assembly  
 2024 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 195 (Senator Watson, *et al.*)  
 Judicial Proceedings

**Juveniles - Arrest by Law Enforcement - Report to Local Department of Social Services**

This bill requires a law enforcement officer to make a report to the local department of social services for purposes of a neglect investigation upon (1) the first arrest of a child for an offense involving the use and possession of a firearm, as defined in § 5-133 of the Public Safety Article or (2) the second arrest of a child for any other offense. This requirement does not apply to a child who is age 10 or older and is alleged to have committed an act that, if committed by an adult, would be a crime of violence under § 14-101 of the Criminal Law Article.

**Fiscal Summary**

**State Effect:** General fund expenditures increase by *at least* \$213,300 in FY 2025 for the Department of Human Services (DHS) to hire necessary staff to implement the bill. Future years reflect annualization and inflation. The Judiciary and the Department of State Police can implement the bill with existing resources. Revenues are not affected.

(in dollars)	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	213,300	251,800	263,000	274,500	286,600
Net Effect	(\$213,300)	(\$251,800)	(\$263,000)	(\$274,500)	(\$286,600)

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease*

**Local Effect:** The bill is not expected to materially affect local operations or finances.

**Small Business Effect:** None.

## Analysis

**Current Law:** In general, a child may be taken into custody (1) pursuant to an order of the court; (2) by a law enforcement officer pursuant to the law of arrest; (3) by a law enforcement officer or other person authorized by the court if the officer or the person has reasonable grounds to believe that the child is in immediate danger from their surroundings and the child's removal is necessary for their protection; (4) by a law enforcement officer or other person authorized by the court who has reasonable grounds to believe that the child has run away from their parents, guardian, or legal custodian; or (5) in accordance with statutory provisions concerning arrest warrants. If a law enforcement officer takes a child into custody, the officer must immediately notify, or cause to be notified, the child's parents, guardian, or custodian in a manner reasonably calculated to give actual notice of the action. The notice must include the child's location, provide the reason for the child being taken into custody, and instruct the parent, guardian, or custodian on how to make immediate in-person contact with the child.

### *Child Neglect – Mandatory Reporters*

Under Title 5, Subtitle 7 of the Family Law Article, 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 (including sexual 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.

"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.

### *Investigations of Abuse or Neglect*

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 and thoroughly 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. The determinations and assessments that are required during an abuse or neglect investigation are specified in statute. The local State's Attorney must assist in the investigations if requested to do so by a local department of social services.

Generally, the local departments, appropriate law enforcement agencies, the State's Attorneys in the counties and Baltimore City, and other specified entities must enter into a written agreement pertaining to standard operating procedures for investigations of suspected abuse or neglect (and the prosecution of reported cases). Additional requirements are also specified for joint investigation procedures regarding suspected child sexual abuse. To the extent possible, a child abuse or neglect investigation must be completed within 10 days after receiving the notice of the suspected abuse or neglect. An investigation that is not completed within 30 days must be completed within 60 days of receipt of the first notice of the suspected abuse or neglect.

Within five business days after the investigation is completed, the local department and the law enforcement agency, if the law enforcement agency participated in the investigation, must make a complete written report of findings to the local State's Attorney.

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. Statutory provisions also set forth procedures for an alternative response, including timeframes by which assessments and written reports must be completed.

### *Child In Need of Assistance*

A child in need of assistance (CINA) is a child who requires court intervention because (1) the child has been abused or neglected, has a developmental disability, or has a mental disorder and (2) the child's parents, guardian, or custodian is unable or unwilling to give proper care and attention to the child and the child's needs. When a local department of social services determines that a child is in need of assistance, the department files a CINA petition with the juvenile court.

**State Expenditures:** DHS advises that the bill requires *at least* three additional caseworkers to handle the increased level of investigations of child neglect generated by the bill. DHS notes that, while the Department of Juvenile Services limits data on recidivism to a period of three years of disposition from the original incident, the bill does not contain a time limit for the “second arrest.” As such, DHS estimates an impact of hundreds of additional neglect investigations. Correspondingly, general fund expenditures increase by *at least* \$213,332 in fiscal 2025, which accounts for the bill’s October 1, 2024 effective date. To the extent that additional staff cannot handle the increased workload for neglect investigations, actual expenditures will increase for DHS to hire more staff. This estimate includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Positions	3.0
Salaries and Fringe Benefits	\$191,564
Operating Expenses	<u>21,768</u>
<b>Total FY 2025 State Expenditures</b>	<b>\$213,332</b>

Future year expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

The Department of Legislative Services (DLS) notes that DHS – without further explanation – has indicated that additional resources beyond those accounted for above are necessary, including a total of 62 additional caseworkers, screeners, and supervisors. Because, however, DHS did not respond to a follow-up request for clarification on the need for personnel, DLS was not able to properly validate the estimate and assess the need for additional staffing of that magnitude for inclusion in this estimate.

### **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** None.

**Information Source(s):** Harford and Talbot counties; Judiciary (Administrative Office of the Courts); Department of General Services; Department of Human Services; Department of Juvenile Services; Department of Natural Resources; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

**Fiscal Note History:** First Reader - February 12, 2024  
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