

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 128
Judiciary

(Delegates Menes and Goldwater)

Sexual Abuse of Children - Investigations - Employees of Schools or Child Care Facilities

This bill allows a local department of social services to disclose child abuse or neglect reports or records to a person administering a licensed child care facility or public or private school following an investigation of child sexual abuse allegedly committed by a current or previous employee or volunteer. The child abuse or neglect reports can be used by the school or child care administrator to carry out appropriate personnel actions or to make an additional report to a local department of social services or law enforcement agency if there is reason to believe a child in the facility's or school's care has been subjected to sexual abuse. A report to the State's Attorney on the suspected abuse investigation by a local department of social services or the appropriate law enforcement agency, if that agency participated, must include a recommendation on whether a criminal or juvenile final disposition resulting from the incident should prohibit the person alleged to have sexually abused a child from working with or volunteering with children.

The bill also repeals language indicating that reports or records concerning child abuse or neglect may only be disclosed to certain parties on request.

Fiscal Summary

State Effect: None. The change is procedural in nature and would not directly affect governmental finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: In general, all records and reports concerning child abuse or neglect are confidential, and their unauthorized disclosure is a misdemeanor punishable by a fine of up to \$500 or a prison term of up to 90 days, or both. One of the numerous exceptions to this rule is that reports or records concerning child abuse and neglect may be disclosed on request to the director of a licensed child care facility or licensed child placement agency for the purpose of carrying out appropriate personnel actions following a report of suspected child abuse or abuse alleged to have been committed by an employee of the facility or agency and involving a child who is currently or who was previously under that facility's or agency's care.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Human Resources, Department of Legislative Services

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