

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 1008

(Chairman, Judiciary, *et al.*)

(Departmental – Children, Youth, and Families)

Judiciary

Family Law - Child Abuse and Neglect - Failure to Report - Penalty

This departmental bill establishes a misdemeanor with a maximum fine of \$1,000 for willfully and knowingly failing to provide a required notice or make a required report regarding child abuse or neglect.

The bill applies to health practitioners, police officers, educators, or human services workers, acting in a professional capacity, who have reason to believe a child may have been subject to abuse or neglect. A worker who notifies the appropriate authorities must make a written report no later than 48 hours after making an oral report. The reporting requirement does not apply if the abuse or neglect occurred during the childhood of an alleged victim who is now an adult unless there is reason to believe other children are at risk by the accused or other children may need services as a result of abuse or neglect by the accused.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues due to the bill's monetary penalty provisions.

Local Effect: None.

Small Business Effect: The Governor's Office for Children, Youth, and Families has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Analysis

Current Law: Notwithstanding any other law, 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, must notify the local department of social services or the appropriate law enforcement agency. If the worker has reason to believe a child has been subjected to neglect, then that person must notify the local department. 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 worker must notify the head of the institution or the designee.

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. If the worker has reason to believe the child has been subjected to neglect, then the worker must make an oral report to the local department. A written report to the local department is required not later than 48 hours after the incident 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 if the worker has reason to believe the child has been subjected to abuse.

An agency that receives an oral report of suspected abuse must immediately notify the other agency. Local departments and law enforcement agencies are not prohibited from agreeing to cooperative arrangements.

As much as 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, including any available evidence about previous instances of abuse or neglect; and 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.

Background: According to the Governor's Office for Children, Youth, and Families (OCYF), Maryland is one of five states that does not criminalize the failure to report suspected child abuse or neglect. The licensing boards for some workers who are mandated to report child abuse and neglect (nurses, doctors, and social workers are examples) are authorized to discipline workers for failing to report. According to OCYF, no licensing board has ever imposed a sanction on a licensee for failure to report suspected abuse or neglect.

The Governor's Council on Child Abuse and Neglect states that failure to report is a problem nationwide. The Congressionally mandated *Third National Incidence Study* found that only 28% of the children recognized by community professionals as having been harmed were reported to and investigated by child protective services agencies.

State Revenues: General fund revenues could increase minimally as a result of the bill's monetary penalty provision from cases heard in the District Court. The number of people convicted of this proposed crime is expected to be minimal.

Additional Information

Prior Introductions: None.

Cross File: None. However an identical bill, HB 477, has been introduced. It has been referred to the Judiciary Committee and will be heard on March 5, 2002.

Information Source(s): Montgomery County, Prince George's County, Caroline County, Calvert County, Howard County, Department of Human Resources, Department of Health and Mental Hygiene, Baltimore City, Washington County, Kent County, Worcester County, Department of Legislative Services

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