

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 1085

(Delegate Weldon)

Judiciary

Family Law - Child Abuse and Neglect Investigations - Parental Rights

This bill requires a local department of social services or the appropriate law enforcement agency to advise an alleged child abuser or neglecter of the specific complaints made against the individual, if the individual is the child's parent. It also requires all local department of social services employees investigating child abuse and neglect allegations against a parent to be trained in protecting the child's and parent's constitutional rights.

Fiscal Summary

State Effect: The bill's requirements could be handled with existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: After receiving a child abuse or neglect report of suspected child abuse or neglect of a child who lives in Maryland and that is alleged to have occurred in the State, the local department of social services and/or the appropriate law enforcement agency must promptly 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 that occurred in Maryland to a child who lives in the State 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 child's safety 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.

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. Within 10 days after receiving the first notice of suspected abuse or neglect of a child who lives in Maryland and was allegedly abused in the State, the local department or law enforcement agency must report the preliminary investigation findings to the local State's Attorney. 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 its findings to the local State's Attorney.

Promptly after receiving a report of suspected child abuse or neglect of a child who lives in Maryland but was allegedly abused or neglected outside of the State, the local department of social services must: (1) forward the report to the appropriate agency outside of Maryland that is authorized to receive and investigate reports of suspected child abuse and neglect; (2) cooperate to the extent requested with the out-of-state agency investigating the report; and (3) if determined appropriate by the local department, interview the child to assess whether the child is safe and provide services to the child and the child's family.

With certain exceptions, all records and reports concerning child abuse and neglect are confidential, and their unauthorized disclosure is a misdemeanor subject to imprisonment of up to 90 days and/or a fine of up to \$500. The persons to whom a record or report may be disclosed on request include: (1) a person who is the alleged child abuser or the person who is suspected of child neglect if that person is responsible for the child's welfare; and (2) a person who is the alleged child abuser or the person who is suspected of child neglect if that person is responsible for the child's welfare. In both cases, provisions must be made for the protection of the identity of the reporter or any other person whose life or safety is likely to be endangered by disclosing the information.

Background: In fiscal 2003, there were 32,936 child protective service investigations that occurred statewide. The Department of Human Resources (DHR) reports that about 44% of these cases were neglect investigations, 37% were physical abuse investigations, and 12% were sexual abuse investigations. Of the 32,936 investigations, 7,294 of the cases were closed with indications of abuse or neglect and 8,435 were closed as unsubstantiated with regard to abuse or neglect. Of the 7,294 cases with indications of abuse or neglect, 53% had indications of neglect, 29% of the cases had indications of physical abuse, and 18% had indications of sexual abuse. Of the 8,435 cases closed with

unsubstantiated findings, about 45% were physical abuse cases, 43% were neglect cases, and about 12% were sexual abuse cases.

According to DHR, a great majority of the child abuse and neglect allegations involve one or more of the child's parents.

Additional Information

Prior Introductions: None.

Cross File: SB 899 (Senators Mooney and Stone) – Judicial Proceedings.

Information Source(s): Allegany County, Montgomery County, Department of Human Resources, Baltimore City, Department of Legislative Services

Fiscal Note History: First Reader - March 15, 2004
ncs/hlb

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