

Department of Legislative Services
 Maryland General Assembly
 2004 Session

FISCAL AND POLICY NOTE

House Bill 426
 Judiciary

(Delegate Elliott)

Child Abuse and Neglect - Investigation Procedures

This bill provides that after receiving a report of suspected physical or sexual abuse or suspected neglect or mental injury, within specified time frames, the local department of social services or local law enforcement agency shall, if appropriate, interview the child. Standard operating procedures must include a requirement that, for judicial review, any interview with the child be recorded on videotape, or if videotaping is not feasible, audiotape. The joint investigation procedures shall decrease the potential for influence of the child’s recollections by the investigator’s suggestions and include a requirement that, for judicial review, any interview with the child be recorded on videotape, or if videotape is not feasible, audiotape.

Fiscal Summary

State Effect: Expenditures of \$194,900 in FY 2005 (51% general fund/49% federal fund) consist of one-time expenditures in FY 2005 for equipment to record child abuse or neglect investigations. Ongoing expenditures consist of tapes and batteries for interview recording and include annualization and inflation.

(in dollars)	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	99,400	99,000	100,000	101,000	102,000
FF Expenditure	95,500	95,100	96,100	97,000	98,000
Net Effect	(\$194,900)	(\$194,100)	(\$196,100)	(\$198,000)	(\$200,000)

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

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Promptly after receiving a report of suspected abuse or neglect of a child who lives in Maryland that is alleged to have occurred in Maryland, the local department or appropriate law enforcement agency, or both, if jointly agreed on, must make a thorough investigation of a report of suspected abuse or the local department must make a thorough investigation of a report of suspected neglect.

After receiving a report of suspected physical or sexual abuse or suspected neglect or mental injury regarding a child who lives in Maryland, pertaining to abuse, injury, or neglect that is alleged to have occurred in Maryland, the local department or appropriate law enforcement agency must see the child, attempt to have an on-site interview with the caretaker, decide on the safety of the child, and the safety of other children in the household or under the care of the alleged abuser. The investigation must include determinations, assessments, and evaluations as specified in statute. On request of the local department, the local State's Attorney must assist in an investigation into suspected abuse, neglect, or mental injury.

Standard operating procedures for the investigation and prosecution of reported cases of abuse, neglect, or mental injury must be established. The agencies responsible for investigating reported cases of sexual abuse, including the local department, the appropriate law enforcement agencies, and the local State's Attorney, must implement a joint investigation procedure for sexual abuse cases, as specified. To the extent possible, an investigation of suspected abuse, neglect, or mental injury must be completed within 10 days after receipt of the first 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. For cases of suspected abuse, preliminary findings of the investigation and a complete written report after the investigation must be made to the local State's Attorney within specified time frames.

After receiving a report of suspected abuse or neglect of a child who lives in Maryland, that is alleged to have occurred outside of Maryland, the local department must cooperate with the out-of-state agency and provide other information, as specified.

Background: In fiscal 2003, there were 32,936 child protective service investigations that occurred statewide. The Department of Human Resources 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.

State Expenditures: Fiscal 2005 expenditures could increase by \$194,871 (51% general fund/49% federal fund) accounting for the bill's October 1, 2004 effective date. One-time expenditures of \$50,700 in fiscal 2005 consist of microcassette recorders for all investigations staff, at least one digital camcorder for each of the 24 local departments of social services, to be available on a 10:1 staff ratio, and one micro recorder/transcriber for each local department. Ongoing expenditures of \$144,171 in fiscal 2005 consist of microcassettes, battery supplies, camcorder tapes, and camcorder head cleaners to conduct interviews during child abuse or child neglect investigations. Out-year expenditures include annualization and inflation.

Additional Information

Prior Introductions: This bill is a reintroduction of HB 583 from the 1995 session. The bill was referred to the Judiciary Committee, where it received an unfavorable report.

Cross File: None.

Information Source(s): State's Attorneys' Association, Washington County, Montgomery County, Prince George's County, Kent County, Worcester County, Department of Human Resources, Judiciary (Administrative Office of the Courts), Baltimore City, Department of Legislative Services

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Analysis by: Karen D. Morgan

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