

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

House Bill 796
Judiciary

(Delegate Dumais)

Family Law - Child Abuse and Neglect - Investigations

This bill requires local departments of social services (local departments) to coordinate a multidisciplinary team for suspected child abuse and neglect investigations. The bill authorizes the local departments of social services from two or more counties to enter into a written agreement to share the services of a combined multidisciplinary team. The bill also requires videotaping of interviews with alleged child victims to the extent that resources permit and establishes training requirements for investigators and prosecutors.

The bill is effective July 1, 2006.

Fiscal Summary

State Effect: General fund expenditures in the Department of Human Resources (DHR) increase by at least \$86,550 in FY 2007 to purchase video equipment and supplies for interviews as required by the bill. In addition, general fund expenditures could potentially increase significantly to provide additional personnel for coordination of the multidisciplinary teams.

Local Effect: Additional expenditures for coordination and training may be required by the bill.

Small Business Effect: None.

Analysis

Bill Summary: This bill requires each local department to coordinate the services of a multidisciplinary team to investigate allegations of child abuse or neglect. The local

departments of two or more counties may enter into a written agreement to share a combined multidisciplinary team. Each team must be composed of one local department representative, one representative from the Office of State's Attorney, and one law enforcement officer who is trained in abuse investigations and has countywide jurisdiction in the county where a child resides or where the alleged offense occurred. A team may also include representatives from one of the mental health or health care disciplines. Other individuals may be designated to participate on a team investigating abuse concerning a family day care home or child care center. Each local department must provide for coordination of services between the team and a child advocacy center or center of excellence, or both, as defined in statute.

Promptly after receiving a report of suspected abuse or neglect that is alleged to have occurred in this State, pertaining to a child who lives in this State, the local department and the appropriate law enforcement agency, jointly by means of a multidisciplinary team, must make a thorough investigation. Within 24 hours after receiving a report of suspected abuse, and within 5 days after receiving a report of neglect, the local department or appropriate law enforcement agency must initiate a joint investigation by using a multidisciplinary team. At least two members of the assigned team must proceed with the investigation as specified in statute.

The standard operating procedures for the investigation of abuse by the appropriate law enforcement agencies, the State's Attorneys, the local departments and the local health departments must include a requirement that any interview with a child who is the subject of an abuse complaint be videotaped. Joint investigation procedures for sexual abuse cases must also include a requirement that any interview with a child be videotaped. The standard operating procedures and joint investigation procedures must establish an ongoing training program for personnel involved in child abuse investigations. The training program for law enforcement must be approved by the Police Training Commission in consultation with the Children's Justice Act Committee. The training program for prosecutors must be approved by the Maryland State's Attorney's Association.

The videotaping requirement under the bill is subject to the availability of funds to purchase the necessary equipment. Failure to videotape a child under the provisions of this bill may not result in an adverse inference in an administrative or judicial proceeding. A court order is not required to videotape or make a voice recording of an alleged child victim's interview. Publication of a recording of an interview is prohibited, except for a related judicial or administrative proceeding, unless authorized by court order. Interested persons must be given notice and an opportunity to be heard regarding the publication.

Within five business days after completing the investigation of alleged abuse that occurred in Maryland of a child that lives in Maryland, the multidisciplinary team must make a complete written report of its findings to the local State's Attorney.

The bill's provisions may not be interpreted to bar admission of otherwise admissible evidence into an administrative or judicial hearing. Any jurisdiction that determines that resources are not available to establish the multidisciplinary teams must report to the Governor, the Secretary of Human Resources, the Secretary of Public Safety and Correctional Services, and the Maryland's Children's Justice Act Committee on the personnel resources needed to implement the provisions of the bill on or before October 1, 2006. The Governor is required to compile and report the information to the General Assembly on or before February 1, 2007.

Current Law: After receiving a 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 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 5 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 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 a child abuse or neglect investigation if requested to do so by a local department. The local departments, appropriate law enforcement agencies, the State's Attorneys in the counties and Baltimore City, and the local health officers must enter into a written agreement pertaining to standard operating procedures for investigations of suspected abuse. A joint investigation procedure must be implemented for conducting investigations of sexual abuse, which must include techniques for expediting validation of sexual abuse complaints and other techniques to decrease trauma to the child.

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.

Background: In fiscal 2005, there were 31,501 child protective service investigations that occurred statewide. DHR reports that about 45% of these cases were neglect investigations, 34% were physical abuse investigations, and 12.1% were sexual abuse investigations. Of the 31,501 investigations, 6,196 of the cases were closed with indications of abuse or neglect and 7,553 were closed as unsubstantiated with regard to abuse or neglect. Of the 6,196 cases with indications of abuse or neglect, 58% had indications of neglect, 23% of the cases had indications of physical abuse, and 18% had indications of sexual abuse. Of the 7,553 cases closed with unsubstantiated findings, about 41% were physical abuse cases, 47% 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.

State Expenditures: General fund expenditures could increase significantly to provide personnel for coordination of multidisciplinary teams and provide for videotaping of interviews with alleged child victims.

Additional personnel dedicated to the purpose of coordination would likely be needed in the larger jurisdictions. In smaller jurisdictions or those jurisdictions with a relatively small caseload of abuse and neglect cases, the coordination duties could possibly be accomplished with existing resources. The Department of Legislative Services (DLS) advises that current law authorizes a local department and a local law enforcement agency to jointly investigate abuse cases. Accordingly, some of the coordination contemplated in this bill could already be taking place.

It is not clear how many personnel would be needed to accomplish the coordination and deployment of multidisciplinary teams. DHR advises, in its fiscal response, that \$2.6 million would be needed in fiscal 2007 for 56 new staff under this bill. This includes 15 caseworkers and 41 social workers. However, the DHR response provides no information on why so many positions are needed for the coordination function or how they would be allocated. It should also be noted that this bill requires the appropriate law enforcement agency and the local department of social services to jointly investigate reports of suspected abuse. The Department of State Police has advised that the requirements of this bill could be met with existing resources. DLS further advises that the local departments are required to report by October 1, 2006 to the Governor and the Secretaries of Human Resources and Public Safety and Correctional Services if sufficient personnel resources are not available to coordinate the services of multidisciplinary

teams. A far more accurate picture of the resources that would be needed, without duplicating existing coordination efforts, would be available at that time.

To videotape alleged child victims, DHR would probably need 66 video cameras and related supplies to enable all local jurisdictions to videotape the interviews that are required by the bill. DLS estimates that 66 sets of video equipment, related supplies and ongoing maintenance could be provided for about \$86,500 in fiscal 2007, with ongoing expenditures of \$28,000 in future years. DLS also advises that the bill specifies that videotaping requirement is subject to available funding.

Additional Information

Prior Introductions: None.

Cross File: SB 660 (Senator Grosfeld) – Judicial Proceedings.

Information Source(s): State's Attorneys' Association, Montgomery County, Prince George's County, Garrett County, Dorchester County, Department of Human Resources, Judiciary (Administrative Office of the Courts), Office of the Public Defender, Baltimore County, Anne Arundel County, Department of Health and Mental Hygiene, Department of Legislative Services

Fiscal Note History: First Reader - February 20, 2006
ncs/jr

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