

Department of Legislative Services  
 Maryland General Assembly  
 2006 Session

**FISCAL AND POLICY NOTE**

House Bill 797 (Delegate Dumais)  
 Judiciary

**Family Law - Child Abuse and Sexual Abuse Investigations - Use of Videotape**

This bill provides that the standard operating procedures for the investigation of reports of suspected child abuse and the joint investigation procedures for conducting investigations of suspected abuse must include a requirement that any interview with the alleged child victim be videotaped.

**Fiscal Summary**

**State Effect:** General fund expenditures could increase by \$86,600 in FY 2007 for videotaping cameras and other equipment required by the bill. Out-year costs include ongoing maintenance, annualization, and inflation.

(in dollars)	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	86,600	27,700	28,000	28,200	28,500
Net Effect	(\$86,600)	(\$27,700)	(\$28,000)	(\$28,200)	(\$28,500)

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

**Local Effect:** None.

**Small Business Effect:** None.

**Analysis**

**Bill Summary:** The bill requires a local department of social services (local department) or the appropriate law enforcement agency to interview a child, if appropriate, in addition to seeing a child as required under current law, when investigating a report of suspected

physical or sexual abuse, suspected neglect, or suspected mental injury that is alleged to have occurred in Maryland, pertaining to a child who resides in Maryland.

The standard operating procedures for investigation of suspected 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. The joint investigation procedures for investigation of 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 and prosecutions.

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 opportunity to respond regarding the publication.

**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 these 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, 31,501 child protective service investigations occurred statewide. The Department of Human Resources (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 \$86,550 in fiscal 2007, accounting for the bill's October 1 effective date. This would provide 66 sets of video equipment to be used in local departments across the State, as well as equipment for Child Advocacy Network Centers. The amount includes costs for ongoing maintenance and media supplies. Future year costs include annualization and inflation.

DHR advises that \$3.2 million would be needed in fiscal 2007 to meet the requirements of this bill. The Department of Legislative Services advises that this estimate contained expenditures for 56 additional staff that were not required by the bill's provisions. The staff involved with seeing alleged child victims under current law would be required to videotape interviews of a child who is alleged to be a victim of abuse.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 661 (Senator Grosfeld) – Judicial Proceedings.

**Information Source(s):** State's Attorneys' Association, Department of Human Resources, Judiciary (Administrative Office of the Courts), Office of the Public Defender, Allegany County, Montgomery County, Baltimore City, Department of Legislative Services

**Fiscal Note History:** First Reader - February 20, 2006  
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