

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

House Bill 798
Judiciary

(Delegate Dumais)

Family Law - Child Abuse and Neglect - Investigator's Training

The standard operating procedures and joint investigation procedures applicable to child abuse cases 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 bill's provisions may not be interpreted to bar admission of otherwise admissible evidence into an administrative or judicial hearing.

Fiscal Summary

State Effect: Potential minimal increase in expenditures as the bill could require the Department of State Police to allocate additional resources to ongoing training. The State's Attorneys' Association and the Department of Human Resources (DHR) advise that the bill's requirements could be met with existing resources.

Local Effect: Additional expenditures may be required in some jurisdictions to implement the ongoing training required by the bill.

Small Business Effect: None.

Analysis

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, 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 Fiscal Effect: Minimal increase in general fund expenditures in the Department of State Police to provide training on an ongoing basis as required by the bill. The Police and Correctional Training Commission estimates that up to 40 hours of training may be required annually for the investigation of child abuse and neglect cases. In addition to the cost of the training, additional overtime could result from covering an officer's work shift while he/she participates in training. *By way of illustration*, the Department of State Police advises that if 5 troopers from each of the department's 23 barracks participated in training, general fund expenditures could increase by \$57,500, assuming that each training course costs about \$500. However, there is no data yet available on what a training course could cost. Expenditures could vary depending on the cost of the training and the cost to adjust staffing to accommodate the officers who participate in training.

The Police and Correctional Training Commission advises that the bill's requirements for approving training courses could be met with existing resources.

DHR and the State's Attorneys' Association advise that its staff participate in ongoing training as required by the bill. Therefore, the bill would have no fiscal impact.

Local Fiscal Effect: Expenditures could increase in some local jurisdictions to meet the training requirements of the bill. The expenditures for a county police or sheriff's office would depend on the number of investigators to be trained, the adjustments to staffing allocations that may be required, especially in smaller jurisdictions to accommodate training, including any additional overtime and the cost for the ongoing training. Montgomery County advises that at least \$30,000 annually would be needed for annual training of police. However, no fiscal impact is expected for the Montgomery County Sheriff's Office.

Additional Information

Prior Introductions: None.

Cross File: SB 659 (Senator Grosfeld) – Judicial Proceedings.

Information Source(s): State's Attorneys' Association, Wicomico County, Allegany County, Montgomery County, Prince George's County, Talbot County, Department of Human Resources, Department of State Police, Maryland Tax Court, Baltimore City, Department of Public Safety and Correctional Services, Department of Legislative Services

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