

Department of Legislative Services  
Maryland General Assembly  
2006 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 1278

(Delegate Rosenberg)

Judiciary

Judicial Proceedings

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**Child Abuse and Neglect - Disclosure of Information**

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This bill alters procedures for the disclosure of information relating to a child who has suffered severe physical injury or death due to alleged child abuse or neglect.

The bill is effective July 1, 2006.

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**Fiscal Summary**

**State Effect:** The bill's requirements could be met with existing resources.

**Local Effect:** The bill's requirements could be met with existing resources.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** The bill provides that the Secretary of Human Resources or a local director of social services may disclose information concerning child abuse or neglect of a child who has suffered a severe physical injury (in addition to the death of a child as allowed under current law). The bill repeals the authority of a director or the Secretary to disclose information on a child who has suffered a serious physical injury due to alleged child abuse or neglect. The bill repeals provisions that prohibit the Secretary or director from disclosing the file relating to an allegedly abused or neglected child. The bill also repeals a current law provision requiring the Secretary to develop a form for disclosure of information relating to alleged child abuse or neglect.

On request, the Secretary or director must disclose all records concerning a child who has died or suffered a severe physical injury without limitation on further dissemination, unless limited by court order, to the attorney who represented the child in a Child in Need of Assistance or guardianship proceeding, the State's Attorney's office and the local health officer. The information on the identity of the reporter, and the names of any other person who could be endangered by disclosure must be redacted from any records. The Secretary, director, the child's attorney, or the attorney for the child's parent may file a motion for a protective order with the circuit court to limit further dissemination of disclosed information.

**Current Law:** "Severe physical injury" means brain injury or bleeding within the skull, starvation, or a physical injury that creates a substantial risk of death, or causes permanent or protracted disfigurement or the loss or impairment of any bodily member or organ.

"Serious physical injury" means physical injury that creates a substantial risk of death or causes permanent or protracted serious disfigurement or loss or impairment of the function of any bodily member or organ.

A local director of social services or the Secretary of Human Resources may disclose information about child abuse or neglect, as provided by statute, if the director or Secretary determines that disclosure is not contrary to the best interests of the child, the child's siblings, or other children in the household, family, or care of the alleged abuser or neglecter, the alleged abuser or neglecter has been charged with a crime related to a report of child abuse or neglect, and the child who is the subject of a report of abuse or neglect has died or suffered a serious physical injury.

To determine whether disclosure is contrary to the best interests of the child, his/her siblings, or other children in the household, family, or care of the alleged abuser or neglecter, the director or Secretary must consider what impact disclosure would have on the provision of services to the child, the child's household or family members or any children in the alleged abuser's or neglecter's care. The Secretary or director must consult with the primary law enforcement agency and the State's Attorney's office prior to disclosing the information regarding whether disclosure would jeopardize a related investigation or prosecution. The director and Secretary of Human Resources must also consult with each other prior to disclosing the information.

The local director or Secretary may not disclose the identity or an identifying description of the reporter, identify the siblings, the individual legally responsible for the child, or other household or family members, except for the alleged abuser or neglecter. Also, a medical report may not be disclosed, except as it relates to the cause of the child's injury or death resulting from abuse or neglect. The Secretary or director may disclose a

medical report related to the cause of the child's injury or death as a result of alleged abuse or neglect.

**Background:** In fiscal 2005, there were 31,501 child protective service investigations that 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, 475 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.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Human Resources, Office of the Public Defender, Department of Health and Mental Hygiene, Department of Legislative Services

**Fiscal Note History:** First Reader - February 21, 2006  
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