

Department of Legislative Services  
Maryland General Assembly  
2006 Session

FISCAL AND POLICY NOTE

House Bill 1399  
Judiciary

(Delegate Shank, *et al.*)

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Criminal Law - Child Neglect

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This bill prohibits a parent or other person who has permanent or temporary care or custody or responsibility for the supervision of a child under age 14 from intentionally failing to provide necessary assistance and resources for the child's physical needs. This includes food, clothing, toileting, essential medical treatment, shelter, or supervision. A violator is guilty of the misdemeanor of child neglect and on conviction is subject to a maximum of five years imprisonment, a \$5,000 fine, or both.

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Fiscal Summary

**State Effect:** Potential minimal increase in general fund revenues and expenditures due to the bill's penalty provision.

**Local Effect:** Potential minimal increase in revenues and expenditures due to the bill's penalty provision.

**Small Business Effect:** None.

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Analysis

**Current Law:** Section 5-701 of the Family Law Article, defines neglect as leaving a child unattended or other failure to give proper care and attention to a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervising a child under circumstances that indicate the child's health or welfare is harmed or placed at substantial risk of harm or mental injury to the child or a substantial risk of mental injury.

State law does not establish criminal penalties for neglect of a child. However, a person is required to report suspected child neglect. Professional human services workers, as defined by statute, must adhere to specific oral and written report requirements.

Promptly after receiving a report of child neglect for a child who lives in Maryland and that is alleged to have occurred in the State, the local department of social services (LDSS) must thoroughly investigate the report. The investigation must include: (1) a determination of the nature, extent, and cause of the neglect, if any; (2) if mental injury is suspected, an assessment by two of the following: a licensed physician, a licensed psychologist, or a licensed social worker; and (3) if neglect is verified, a determination of the identity of the person or persons responsible for the neglect, a determination of the name, age, and condition of any other child in the household, an evaluation of the parents and the home environment, a determination of any other pertinent facts or matters, and a determination of any needed services.

If a local department finds that neglect has occurred, the State is required to intervene to provide services to the family to prevent continued neglect. If child neglect continues, the State may petition to have the child declared a Child in Need of Assistance (CINA) where the local department becomes guardian of the child until the child can be safely reunited with his/her family or placed in foster care. Continued instances of neglect by a parent could subject a parent to termination of parental rights. A person who is found to neglect children in his/her care or custody could be listed on the State Central Registry of Reported Child Abuse and Neglect Cases.

The Department of Human Resources (DHR) Social Service Administration and each LDSS may maintain a central registry of reported child abuse and neglect cases.

**Background:** In fiscal 2005, 14,413 child neglect investigations occurred statewide, according to DHR. Of these investigations, 3,625 of the cases were closed with indications of neglect, and 3,526 of the cases were closed as unsubstantiated with regard to neglect.

**State Revenues:** General fund revenues could increase minimally as a result of the bill's monetary penalty provision from cases heard in the District Court.

**State Expenditures:** General fund expenditures could increase minimally as a result of the bill's incarceration penalty due to more people being committed to Division of Correction (DOC) facilities and increased payments to counties for reimbursement of inmate costs. The number of people convicted of this proposed crime is expected to be minimal.

Persons serving a sentence longer than 18 months are incarcerated in DOC facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$1,974

per month. This bill alone, however, should not create the need for additional beds, personnel, or facilities. Excluding overhead, the average cost of housing a new DOC inmate (including medical care and variable costs) is \$341 per month. Excluding medical care, the average variable costs total \$134 per month.

Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. For persons sentenced to a term of between 12 and 18 months, the sentencing judge has the discretion to order that the sentence be served at a local facility or DOC. The State reimburses counties for part of their incarceration costs, on a per diem basis, after a person has served 90 days. State per diem reimbursements for fiscal 2007 are estimated to range from \$17 to \$65 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in DOC facilities. The Baltimore City Detention Center, a State-operated facility, is used primarily for pretrial detentions.

**Local Revenues:** Revenues could increase minimally as a result of the bill's monetary penalty provision from cases heard in the circuit courts.

**Local Expenditures:** Expenditures could increase minimally as a result of the bill's incarceration penalty. Counties pay the full cost of incarceration for people in their facilities for the first 90 days of the sentence, plus part of the per diem cost after 90 days. Per diem operating costs of local detention facilities are expected to range from \$33 to \$119 per inmate in fiscal 2007.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Human Resources, Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services, Department of Legislative Services

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