

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

Senate Bill 321

(Senators Kelley and Currie)

Judicial Proceedings

Judiciary

State Citizens Review Board for Children - Child Abuse or Neglect

This bill provides that if information is discovered during a case review that creates a reasonable belief that a child has been subjected to abuse or neglect and that abuse or neglect has not been reported, then a member of the State Citizens Review Board for Children or the board's designee or staff must report the suspected abuse or neglect to the appropriate authorities as specified in statute. The bill also authorizes the Attorney General, rather than the Special Secretary for Children, Youth, and Families, to impose a civil penalty on any person who violates the confidentiality provision applicable to these case reviews.

Fiscal Summary

State Effect: None. The bill's requirements could be met with existing resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The State Citizens Review Board for Children is an 11-member board that oversees local boards and local citizens review panels. It provides coordination and training and recommends policies and procedures relating to out-of-home placement to the General Assembly. The board is charged with evaluating the extent to which State and local agencies effectively discharge their child protection responsibilities in accordance with federal law and any other criteria the board considers important to

ensure the protection of children. It does this by examining State and local policies and procedures and reviewing specific cases, including child fatalities and near fatalities.

The members of the State Citizens Review Board for Children and the board's designees and staff may not disclose to any person or government official any identifying information about any specific child protection case for which it has information. The board may, however, make public other information unless prohibited by law. In addition to any other penalties provided by law, the Special Secretary for Children, Youth, and Families may impose a civil penalty of up to \$500 for each violation on any person who violates the confidentiality provision.

Statutory requirements regarding the reporting of child abuse and neglect apply if the reporter suspects that abuse or neglect has occurred. Health care practitioners, police officers, educators, and human service workers who are acting in a professional capacity, and who have reason to believe that a child has been subjected to abuse, must notify the local department of social services or the appropriate law enforcement agency. If the worker has reason to believe a child has been subjected to neglect, then that person must notify the local department. If the worker is acting as a staff member of a hospital, public health agency, child care institution, juvenile detention center, school, or similar institution, then the individual must notify the head of the institution or the designee.

In general, a person other than a health care practitioner, police officer, educator, or human service worker who has reason to believe that a child has been subjected to abuse must notify the local department of social services or the appropriate law enforcement agency. If the person has reason to believe a child has been subjected to neglect, then that person must notify the local department. Attorneys and clergy are generally exempt from reporting if they become aware of suspected abuse or neglect through privileged communications, as specified in statute.

Background: According to the National Child Abuse and Neglect Data System, an estimated 1,490 children died due to neglect or abuse in calendar 2004, a rate of 2.03 children per 100,000 children in the general population. Many researchers believe child fatalities due to abuse and neglect are significantly underreported. Studies in Colorado and North Carolina have estimated that as many as 50% to 60% of child deaths resulting from abuse or neglect are not identified in that manner. The issues affecting the accuracy and consistency of reporting include variations in reporting requirements, the amount of time it may take to establish abuse or neglect as a causal factor in a child fatality, and the ease with which circumstances surrounding many different child maltreatment deaths may be concealed.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Human Resources, Governor's Office for Children, Office of the Attorney General, Child Welfare Information Gateway, U.S. Department of Health and Human Services, Department of Legislative Services

Fiscal Note History: First Reader - February 20, 2007
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Analysis by: Karen D. Morgan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510