

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

House Bill 1332

(Delegates Dumais and Rosenberg)

Judiciary

Judicial Proceedings

**Child Abuse and Neglect - Disclosure of Records to Nonpublic School Principals
and Superintendents**

This bill specifies that reports or records concerning child abuse or neglect may be disclosed on request to the principal or equivalent employee of a nonpublic school that holds a certificate of approval from the State or is registered with the State Department of Education. The records or reports may be disclosed to carry out appropriate administrative or personnel actions following a report of suspected child abuse committed against a student by an employee of that nonpublic school or an independent contractor or employee of an independent contractor who works or supervises students at that nonpublic school. The reports or records may also be disclosed to the appropriate superintendent of schools if the report concerns suspected child abuse involving a student and committed by an employee, independent contractor or employee of an independent contractor employed by a nonpublic school under the jurisdiction of the Archdiocese of Baltimore, the Archdiocese of Washington, or the Catholic Diocese of Wilmington.

The bill takes effect July 1, 2007.

Fiscal Summary

State Effect: The bill's changes could be implemented with existing resources.

Local Effect: The bill's changes could be implemented with existing resources.

Small Business Effect: None.

Analysis

Current Law: Except as otherwise provided, all records and reports concerning child abuse or neglect are confidential and their unauthorized disclosure is a criminal offense. A violator is subject to maximum penalties of 90 days imprisonment and/or a \$500 fine.

Reports or records concerning child abuse or neglect must be disclosed under a court order, under the order of an administrative law judge if the request concerns a case pending before the Office of Administrative Hearings and specified provisions are made to protect the reporter's identity, or to the Baltimore City Health Department on a written request, under the conditions specified in statute.

Reports or records concerning abuse or neglect may be disclosed on request to those professionals and persons of interest specified in statute, including to the appropriate public school superintendent. The report or record may be disclosed for the purpose of carrying out administrative or personnel actions following a report of suspected child abuse involving a student committed by a public school employee in that school system, an independent contractor or employee of an independent contractor who supervises or works directly with students in that school system, including a bus driver or bus assistant. The Department of Human Resources (DHR) must issue regulations governing access to and use of confidential information which is in the possession of the department or local departments of social services.

Background: According to revised fiscal 2005 data from DHR (the latest information available), 31,501 investigations of allegations of child abuse or neglect took place. DHR reports that 10,751 or 34.1% of the investigations related to physical abuse, 14,413 or 45.7% were for neglect, and 3,819 or 12.1% were for sexual abuse. Of the 31,501 investigations, 6,196 were closed with indications of abuse or neglect and 7,553 were closed with unsubstantiated findings of abuse or neglect. Of the 6,196 cases with indications of abuse or neglect, 3,625 or 58.5% had indications of neglect, 1,435 or 23.1% had indications of physical abuse, and 1,115 or 17.9% had indications of sexual abuse. Of the 7,553 cases closed with unsubstantiated findings, 3,114 or 41.2% were physical abuse cases, 3,536 or 46.8% were neglect cases, and 881 or 11.6% were sexual abuse cases.

According to DHR, a great majority of the child abuse or neglect allegations involve one or more of the child's parents.

State and Local Fiscal Effect: The Maryland State Department of Education advises that extending disclosure of reports or records of child abuse and neglect to nonpublic

schools will not have an operational or fiscal impact on the department or local school systems.

Additional Information

Prior Introductions: None.

Cross File: Although identified as a cross file, SB 876 is not identical.

Information Source(s): Maryland State Department of Education, Department of Human Resources, Department of Legislative Services

Fiscal Note History: First Reader - March 19, 2007
ncs/jr

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