

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 632

(Senator Jacobs, *et al.*)

Judicial Proceedings

Judiciary

Social Services Administration - Children Subject to Substantial Risk of Abuse
or Neglect - Identification and Notice

This bill requires the Secretary of Health and Mental Hygiene to notify the Social Services Administration when an individual whose parental rights have been terminated has a subsequent child.

Fiscal Summary

State Effect: Minimal increase in expenditures to the extent that additional family support services and/or child abuse or neglect investigations occur.

Local Effect: Minimal increase in expenditures to the extent that additional family services and/or child abuse or neglect investigations occur.

Small Business Effect: None.

Analysis

Bill Summary: The bill requires the Executive Director of SSA in the Department of Human Resources to provide the Secretary of Health and Mental Hygiene with identifying information regarding individuals who have had their parental rights terminated.

The Secretary must provide the executive director with birth record information for a child born to one of these individuals. If the executive director receives birth record information for a child born to an individual whose parental rights have been terminated, the executive director must:

- identify the child as subject to substantial risk of abuse or

neglect; • verify the identity of the birth parent; and • notify the local department of social services of the county in which the child resides that there is a newborn residing in the county who is subject to a substantial risk of abuse or neglect.

The bill provides an exception to the confidentiality of vital records for birth record information provided to the executive director under the bill.

Current Law: A “vital record” means a certificate or report of birth, death, fetal death, marriage, divorce, dissolution or annulment of marriage, adoption, or adjudication of paternity that must be filed with the Secretary of Health and Mental Hygiene. A certified or abridged copy of a birth certificate may be issued only on order of a court of competent jurisdiction; on request of the individual to whom the record relates; on request of a parent, guardian, or other authorized representative; or in accordance with provisions of guardianship or adoption by a local department of social services.

Statutory requirements regarding the reporting of child abuse and neglect apply if the reporter suspects that abuse or neglect has occurred. State law does not require the identification of those children that may be subject to threatened injury because the individual who is responsible for the child’s care has a history of abuse with regard to other children in the individual’s care.

Within 30 days after completion of an investigation of child abuse or neglect in which there is a finding of either indicated or unsubstantiated abuse or neglect, the local department must notify the individual alleged to have abused or neglected the child of the finding and the opportunity to appeal the finding, as specified in statute. If the finding is for indicated abuse or neglect, the individual must also be notified that he/she is subject to identification in a central registry of individuals responsible for abuse or neglect. If the finding is for unsubstantiated abuse or neglect, an individual may request a conference with a supervisor in the local department by responding to the notice within 60 days. The individual has the right to review a summary of the conference and request a contested case hearing, as provided by statute.

The local department must expunge a report of suspected abuse or neglect, all assessments, and investigative findings if the local department concludes that the report is unsubstantiated and no further reports of abuse or neglect are received during the next five years. The local department must expunge such a report within 120 days if the report is ruled out and no further reports of abuse or neglect are received during the next 120 days. DHR must automatically expunge information on an individual from the registry without a request if no entry has been made for seven years. A person who makes or participates in a report generally has immunity from civil liability, as provided in statute.

Except for identifying information, a central registry of individuals responsible for child abuse or neglect may not include information from the case file until the individual alleged responsible for abuse or neglect has been found guilty of criminal charges arising from the allegation of abuse or neglect, has unsuccessfully appealed the finding, or has failed to exercise appeal rights. The authority of DHR to identify an individual in a central registry as responsible for abuse or neglect applies only to those individuals who have been found guilty of the criminal charge arising from the allegation or if the individual has been found responsible for the abuse or neglect and has unsuccessfully appealed the finding or failed to exercise appeal rights.

State and Local Fiscal Effect: Disclosure of birth records to SSA could be handled within the existing resources of the Department of Health and Mental Hygiene. Providing information to DHMH about those individuals that have had parental rights terminated and providing the notification about an identified child to a local department of social services could be handled within the existing resources of the Department of Human Resources.

The bill does not specify what must happen after notification is provided to the local department. A family that is identified as troubled under the provisions of this bill could be offered family support services. In the event that signs of abuse or neglect are documented, the traditional child abuse investigation would take place as provided by law. Although additional family support services and additional investigations could be provided under this bill, any such expenditure increase is expected to be minimal.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Human Resources, Judiciary (Administrative Office of the Courts), Department of Health and Mental Hygiene, Department of Legislative Services

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