

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 1603

(Delegate McComas)

Judiciary

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

This bill authorizes the disclosure of birth records to the Executive Director of the Social Services Administration to identify children who are subject to a substantial risk of child abuse or neglect by an individual responsible for the child's care.

Fiscal Summary

State Effect: Expenditures could increase to the extent that additional family support services and/or child abuse or neglect investigations occur. Any such increase is assumed to be minimal.

Local Effect: Expenditures could increase to the extent that additional family services and/or child abuse or neglect investigations occur. Any such increase is assumed to be minimal.

Small Business Effect: None.

Analysis

Bill Summary: The bill requires the Secretary of Health and Mental Hygiene to allow the disclosure of birth records data, including Social Security numbers of the parent, to the Executive Director of the Social Services Administration in the Department of Human Resources to identify children who are subject to a substantial risk of child abuse or neglect by an individual who is responsible for care of the child.

“Substantial risk of child abuse or neglect” means a statement, overt act, condition, or status that represents a significant risk of physical or sexual abuse or mental injury. The Executive Director of SSA must provide to the Secretary of Health and Mental Hygiene information that identifies individuals who have had their parental rights terminated. The Secretary of Health and Mental Hygiene must provide to the Executive Director of SSA birth records data of any children born to the identified individual. A child must be identified as subject to a substantial risk of abuse or neglect if the individual responsible for the child’s care has had parental rights terminated.

If a child is identified as subject to a substantial risk of child abuse or neglect, SSA must immediately notify the local department of social services in the county where the child resides that a newborn is residing in the county who is subject to a substantial risk of abuse or neglect.

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 a risk of abuse or neglect 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.

Background: This bill is prompted by increasing demands to monitor abusive parents in light of the death of a 2-year-old child. The child died in June 2007 after being fed methadone by her mother and then being struck in the abdomen. Her mother has been charged with first degree murder. The mother had two older daughters who had earlier been taken from her due to abuse and neglect.

In 2004, the Baltimore City Health Commissioner recommended implementing a system to protect the future children of abusive parents. That recommendation was prompted by the deaths of twins who had also been born to parents who had an older daughter taken from them due to abuse and neglect. Since the deaths of the twin babies in 2004, Baltimore City police estimate that 10 other city children have died because of abuse. Michigan and Minnesota have implemented birth match/abusive parent identification systems similar to what is proposed in this bill.

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. The notification about a child that SSA must provide 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: SB 632 is designated as a cross file although it is not identical.

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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mll/hlb

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