

Department of Legislative Services  
 Maryland General Assembly  
 2008 Session

FISCAL AND POLICY NOTE

House Bill 1327  
 Judiciary

(Delegates Waldstreicher and Dumais)

Child Abuse and Neglect - Monitoring of Abusers

This bill establishes the monitoring of people who have had parental rights terminated due to child abuse or neglect, authorizes the temporary removal of other children in the household of a person under investigation for abuse or neglect under specified circumstances, and requires the maintenance of a central registry of persons being monitored.

Fiscal Summary

**State Effect:** General fund expenditures for additional staff in the Department of Human Resources could increase by \$441,500 in FY 2009. Out-years reflect annualization, inflation, and a stable caseload. General fund expenditures in the Judiciary could increase minimally from additional affidavits that may require additional judicial resources and hearings. Revenues would not be affected.

(in dollars)	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	441,500	532,200	558,500	586,300	615,600
Net Effect	(\$441,500)	(\$532,200)	(\$558,500)	(\$586,300)	(\$615,600)

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect*

**Local Effect:** Potential significant increase in law enforcement and social service expenditures in some jurisdictions to assist the local departments of social services with additional monitoring. For some jurisdictions, expenditures could be minimal and absorbed within existing resources. Expenditures for circuit courts could increase minimally to the extent additional resources are required to manage the additional affidavits required by the bill.

**Small Business Effect:** None.

---

## **Analysis**

**Bill Summary:** A representative of a local department of social services (LDSS) who is investigating an individual for child abuse or neglect is required to decide in writing on the safety of any other children in the household in addition to the child who is suspected of having been subjected to abuse or neglect. If the representative believes the child is in serious, immediate danger, the child may be temporarily removed without the prior approval by the juvenile court.

If a court terminates the parental rights of an individual due to child abuse or neglect, the LDSS must file an affidavit with the court with findings on • the safety of any other children in the care or custody of the individual; and • if the individual is a woman, whether the individual is pregnant. The LDSS must monitor the individual and any children in the care or custody of the individual for five years with semiannual visits and written reports and forward the name of the monitored individual to the Social Services Administration to be included in a central registry of monitored individuals.

If the LDSS reasonably believes that a monitored individual is pregnant, that information must be contained in the individual's file. When a monitored individual gives birth to a child, the monitoring period is extended until five years after the birth.

SSA must maintain a central registry of individuals who are monitored and collaborate with the Department of Health and Mental Hygiene to cross reference the registry with the database of births maintained by DHMH. SSA must also forward information about any birth by a monitored individual and adopt regulations as necessary to carry out the bill's provisions.

**Current Law:** If a representative of an LDSS is conducting an investigation for child abuse or neglect, the representative may enter the household if the representative previously has been denied the right of entry and has probable cause to believe that a child is in serious, immediate danger. A representative entering a household under these circumstances must be accompanied by a police officer who is authorized to use reasonable force, if necessary, to help the representative gain entry into the household. The representative may remove a child who is suspected of being subjected to abuse or neglect from the household temporarily, without prior approval by a juvenile court if the representative believes the child is in serious, immediate danger.

If a child is removed from a household under these circumstances, the LDSS must have the child thoroughly examined by a physician. A report of the examination must be included in a written report to the local State's Attorney about suspected child abuse that must be made within five business days after completion of the investigation.

If a child is removed from a household due to suspected abuse or neglect or by a juvenile court order, on return of the child to the household by the LDSS or by the court, State's Attorney's office, or other law enforcement agency, the LDSS must establish proper supervision and monitoring of the household on a regularly scheduled basis of at least once a month for at least three months.

Generally, a child may be taken into custody pursuant to a court order, for temporary removal during an investigation of child abuse or neglect or by a law enforcement officer, or if the officer has reasonable grounds to believe that the child is in immediate danger from the child's surroundings and removal is necessary for the child's protection.

If a law enforcement officer takes a child into custody under these circumstances, the officer must immediately notify the child's parent, guardian, or custodian, and the LDSS, and keep custody of the child until either the LDSS takes custody to provide shelter care or authorizes release of the child, or the officer determines that it is safe to return the child to the child's parent, custodian, or guardian.

If a parent, guardian, or custodian fails to bring the child before the court when requested, the court may issue a writ of attachment and the court may cite the parent, guardian, or custodian with contempt.

SSA and each LDSS may maintain a central registry of reported child abuse and neglect cases. 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:**

*Department of Human Resources:* DHR did not provide adequate information with which to estimate the bill's impact. However, the bill's provisions would require significant additional expenditures from DHR.

DLS advises that general fund expenditures could increase by \$441,494 in fiscal 2009, accounting for the bill's October 1, 2008 effective date. This estimate accounts for the costs associated with nine additional family service workers to conduct monitoring of households where the safety of additional children could be at risk because the parents have had their parental rights terminated. This estimate also includes the cost of computer programming in fiscal 2009 only, to set up the registry for people subject to monitoring that is required by the bill.

This estimate is based on the number of households that could be subject to monitoring as required by this bill. The Administrative Office of the Courts advises that the number of termination of parental rights cases that are disposed of by the circuit courts ranges from about 550 to 650 in a given year. Child Welfare League of America's caseload standards indicate that a worker should handle 6 new investigations per month, for a total of 72 investigations per year. The bill requires monitoring, but the level of scrutiny is not defined, except to indicate that the households subject to monitoring must be visited at least twice a year for five years from the time the last child was born to the parent being monitored. If a new child is born, monitoring must continue for another five years.

This estimate assumes that each household that has to be visited is considered one case and the visits and reports required by the bill would rise to the level of a traditional investigation. Accordingly, 9 family service workers with a caseload of 72 additional cases each would be required handle the monitoring required by the bill. This assumes that 650 new cases could be added to the DHR caseload annually. The estimate assumes a stable caseload, although the number of households subject to monitoring could vary significantly from the estimate in any given year.

Positions	9
Salaries and Fringe Benefits	\$373,961
Office Space	14,175
Registry Implementation	10,000
Other Operating Expenses	<u>43,358</u>
<b>Total FY 2009 State Expenditures</b>	<b>\$441,494</b>

Future year expenditures reflect (1) full salaries with 4.4% annual increases and 3% employee turnover; (2) 2% annual increases in ongoing operating expenses; and (3) a stable caseload.

*Judiciary:* General fund expenditures could increase minimally as a result of the additional resources that may be required to process the affidavits required by the bill. The Department of Legislative Services advises that the impact of the bill's provisions is likely 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 Legislative Services

**Fiscal Note History:** First Reader - March 4, 2008  
mll/hlb

---

Analysis by: Karen D. Morgan

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