

Department of Legislative Services
 Maryland General Assembly
 2009 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 421

(Senator Jacobs, *et al.*)

Judicial Proceedings

Judiciary

**Social Services Administration and Department of Health and Mental Hygiene -
 Parents Responsible for Child Abuse or Neglect - Birth of Subsequent Child**

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 and who has been identified in a central registry as responsible for child abuse or neglect has a subsequent child.

Fiscal Summary

State Effect: General fund expenditures increase by \$5,000 in FY 2010 only for computer modifications at the Department of Health and Mental Hygiene (DHMH). The Department of Human Resources (DHR) can review records, provide an assessment of the family, and offer any needed support services with existing budgeted resources.

(in dollars)	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	5,000	0	0	0	0
Net Effect	(\$5,000)	\$0	\$0	\$0	\$0

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

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The bill requires the Executive Director of the Social Services Administration (SSA) in DHR to provide the Secretary of Health and Mental Hygiene with identifying information regarding individuals who have had their parental rights terminated and have been identified as responsible for abuse or neglect in a central registry.

The Secretary must provide the executive director with birth record information for a child born to an individual whose identifying information has been provided to the Secretary within the previous five years. 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: (1) verify the identity of the birth parent; and (2) notify the local department of social services of the county in which the child resides so that the local department may review its records and, when appropriate, provide an assessment of the family and offer services if needed.

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. (*See* Health-General Article § 4-201 and 4-217.)

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. (*See* Family Law Article § 5-703.)

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. (*See Family Law Article § 5-706.1.*)

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. (*See Family Law Article § 5-707, 5-714, and 5-708.*)

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. (*See Family Law Article § 5-714.*)

Background: Similar bills were introduced during the 2008 session in response to the increasing demands to monitor abusive parents in light of the death of a two-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 pleaded guilty to voluntary manslaughter in April 2008. The mother had two older daughters who had earlier been removed from her custody by the State 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 removed from their custody due to abuse and neglect.

Some states, including Michigan, have implemented “birth match” programs that link information from the central registry with birth data. Michigan’s Family Independence Agency is alerted whenever there is a birth in a family where children have previously been removed for abuse or neglect and the parental rights have been terminated. Information is then forwarded to child protective services who visit the newborn’s family

and perform an assessment. During the first six months of the program's operation in Michigan, 11 newborns were removed and placed in foster care. Services were provided at home to an additional 13 newborns.

According to DHR, in fiscal 2008 there were 5,815 individuals in the central registry who were identified as responsible for abuse or neglect. The Judiciary advises there were 881 termination of parental rights cases in calendar 2008.

State Fiscal Effect: General fund expenditures increase by \$5,000 in fiscal 2010 only for computer modifications at DHMH. Disclosure of birth records to SSA can be handled within the existing resources. DHR can provide information to DHMH about those individuals who have had parental rights terminated and who are included in the central registry as responsible for abuse and neglect with existing resources.

Local departments can review records and provide assessments of the family and appropriate services with existing resources.

Additional Information

Prior Introductions: SB 632 of 2008 passed the Senate and received a hearing in the House Judiciary Committee, but no further action was taken. HB 1603 of 2008 received a hearing in the House Judiciary Committee, but no further action was taken.

Cross File: HB 144 (Delegate Waldstreicher, *et al.*) - Judiciary.

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

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