

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 914
Judiciary

(Delegates Barkley and Heller)

**Family Law - Child Neglect - Maryland Student Assistance Program Referral
Recommendations**

This bill expands the definition of neglect to include the failure to comply and follow up with the referral recommendations of the Maryland Student Assistance Program (MSAP) established by the Maryland State Department of Education (MSDE) by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of the child under circumstances that indicate: (1) that the child's health or welfare is harmed or placed at substantial risk of harm or (2) mental injury to the child or a substantial risk of mental injury.

Fiscal Summary

State Effect: None. MSDE can adopt appropriate guidelines and notify local departments of social services of a parent's noncompliance with the MSAP recommendations using existing budgeted resources. The Department of Human Resources can handle any potential increase in referrals with existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Neglect means leaving a child unattended or other failure to give proper care and attention to a child by any parent or other person who has permanent or temporary care or custody or responsibility for the supervision of the child under circumstances that indicate: (1) that the child's health or welfare is harmed or placed at

substantial risk of harm; or (2) mental injury to the child or a substantial risk of mental injury.

Health care practitioners, police officers, educators, and human service workers who are acting in a professional capacity and have reason to believe that a child has been subjected to neglect must notify the local department of social services. If the worker is acting as a staff member of a hospital, public health agency, child care institution, juvenile detention center, school, or similar institution, then the individual must notify the head of the institution or the designee. (*See Family Law Article § 5-704.*)

In general, a person other than a health care practitioner, police officer, educator, or human service worker who has reason to believe that a child has been subjected to neglect must notify the local department of social services. Attorneys and clergy are generally exempt from reporting if they become aware of suspected neglect through privileged communications, as specified in statute. (*See Family Law Article § 5-705.*)

Within 30 days after completion of an investigation of neglect in which there is a finding of either indicated or unsubstantiated neglect, the local department must notify the individual alleged to have neglected the child of the finding and the opportunity to appeal the finding, as specified in statute. If the finding is for indicated neglect, the individual must also be notified that he/she is subject to identification in a central registry of individuals responsible for neglect. If the finding is for unsubstantiated 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.*)

Background: According to MSDE, MSAP was established independently more than 15 years ago and is not a MSDE-based program. MSAP is an optional school-based intervention strategy whereby teams of school staff members identify students with substance abuse and other harmful behaviors, collect relevant school data to ascertain the existence of a problem, and intervene with the student's parents to raise their awareness of the problem and offer them a free professional assessment for the student. The MSAP Professionals Association Board of Directors was created to take on the training aspect of MSAP by providing education, training and support to core student assistance teams. Core MSAP teams usually include a school principal or assistant principal, counselor, nurse, and teachers. MSAP teams are currently not required to be established in schools by State law. Local school systems are at various stages of implementing the MSAP team concept. Some implement the concept with a separate MSAP team while others incorporate the MSAP components into already existing teams within the school.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Human Resources, Maryland State Department of Education, Judiciary (Administrative Office of the Courts), Department of Legislative Services

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mam/kdm

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