

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 57
Judiciary

(Delegate Rosenberg, *et al.*)

Child Abuse and Neglect - Referral to Family Planning Services

This bill requires the Department of Human Resources (DHR) to refer an individual to family planning counseling and services if the individual's parental rights are involuntarily terminated due to child abuse or neglect. DHR must also refer to family planning counseling and services individuals who are identified as responsible for abuse or neglect in a central registry. The referrals must be to counseling and services that are offered in a noncoercive manner and that do not violate the individual's confidentiality or religious beliefs and practices.

The bill applies prospectively to individuals who are identified in a central registry or whose parental rights are terminated on or after the bill's October 1, 2009 effective date.

Fiscal Summary

State Effect: None. Compliance with the referral requirement for DHR and any corresponding increase in clientele for the Family Health Administration of the Department of Health and Mental Hygiene can be absorbed within existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: DHR is not currently required to inform individuals, whose parental rights have been terminated or who are identified as responsible for abuse or neglect in a central registry, of family planning services.

Clerks of court are required to provide birth control information and a list of family planning clinics when issuing a marriage license. DHR is required to refer, as appropriate, recipients under the Family Investment Program to family planning counseling and services. (*See* Family Law Article § 2-405 and Human Services Article § 5-309.)

After the consideration of certain factors as required by law, if a juvenile court finds by clear and convincing evidence that termination of parental rights is in a child's best interest, the court may grant guardianship of the child without parental consent and over the child's objections. (*See* Family Law Article § 5-323.)

DHR maintains a "central registry" that contains information regarding child abuse and neglect investigations. Local departments of social services provide information for the registry. Registry information is at the disposal of DHR's protective services staff; local departments of social services staff who are investigating a report of suspected abuse or neglect; and law enforcement personnel investigating a report of suspected abuse or neglect.

DHR or a local department of social services may only identify an individual as responsible for abuse or neglect in a central registry if the individual has been found guilty of any criminal charge arising out of the alleged abuse or neglect or has been found responsible for the indicated abuse or neglect and has unsuccessfully appealed the finding or failed to exercise the appeal rights within specified timeframes.

Many local health departments provide family planning services. Title X Family Planning Regulations require that any program receiving federal funding must not subject individuals to coercion of any type regarding their use of family planning services. Participation of clients in these programs must be solely on a voluntary basis.

Background: Some states, including Michigan, have implemented "birth match" systems 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.

According to DHR, in fiscal 2008 there were 5,815 individuals in the central registry who were identified as responsible for abuse or neglect. Although DHR does not keep this data, it is estimated that 600 individuals have their parental rights involuntarily terminated each year.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, Department of Human Resources, U.S. Department of Health and Human Services, Department of Legislative Services

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Analysis by: Jennifer K. Botts

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