

**Department of Legislative Services**  
Maryland General Assembly  
2016 Session

**FISCAL AND POLICY NOTE**  
**Third Reader**

Senate Bill 79

(Chair, Judicial Proceedings Committee)(By Request -  
Departmental - Office for Children)

Judicial Proceedings

Judiciary

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**State Citizens Review Board for Children - Penalties for Unauthorized  
Disclosure of Child Protection Case Information**

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This departmental bill repeals the authority of the Special Secretary for Children, Youth, and Families to impose a civil penalty on members, designees, and staff of the State Citizens Review Board for Children who disclose identifying information regarding child protection cases. Instead, the Secretary of Human Resources is authorized to impose a civil penalty on these individuals.

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**Fiscal Summary**

**State Effect:** The bill does not materially impact State operations or finances.

**Local Effect:** None.

**Small Business Effect:** The Governor's Office for Children (GOC) has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

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**Analysis**

**Current Law:** The State Citizens Review Board for Children may review specific child welfare and out-of-home placement cases and evaluate the extent to which State and local agencies are effectively discharging their child protection responsibilities in accordance with (1) the State plan required by the federal government; (2) the child protection standards set forth in State and federal law; and (3) any other criteria it considers important to ensure the protection of children. The board also reviews the extent to which the State

child protective services system is coordinated with the foster care and adoption program established under Title IV-E of the Social Security Act and conducts reviews of child fatality and near fatality reports. To assist the board in its review of specific cases, it may designate local teams composed of members or staff of local boards of out-of-home care of children or local citizens review panels.

Members of the board and the board's designees and staff are prohibited from disclosing to any person or government official any identifying information regarding child protection cases about which the board is provided information. Unless otherwise prohibited, members, designees, and staff may make public other information. In addition to other penalties provided by law, the Special Secretary for Children, Youth, and Families may impose on any person in violation of these provisions a maximum civil penalty of \$500 for each violation.

Pursuant to § 1-202 of the Human Services Article, reports and records concerning child abuse and neglect are confidential and may not be disclosed unless permitted by one of a number of statutory exceptions. An unauthorized disclosure is a misdemeanor subject to imprisonment for up to 90 days and/or a fine of up to \$500.

**Background:** The Subcabinet for Children, Youth, and Families was replaced by the Children's Cabinet in 2005. The Executive Director of the Governor's Office for Children chairs the Children's Cabinet. GOC advises that it is more appropriate to place the authority to impose civil penalties with the Department of Human Resources, which serves as the administrative home for the board. GOC has no connection to the board's work and has no process for developing or implementing penalties.

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### Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Governor's Office for Children, Department of Human Resources, Department of Legislative Services

**Fiscal Note History:** First Reader - January 21, 2016  
md/jc

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**ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESS**

**TITLE OF BILL:** State Citizens Review Board for Children - Prohibitions

**BILL NUMBER:** SB 79

**PREPARED BY:** Governor's Office for Children  
(Dept./Agency)

**PART A. ECONOMIC IMPACT RATING**

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND  
SMALL BUSINESSES

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND  
SMALL BUSINESSES

**PART B. ECONOMIC IMPACT ANALYSIS**