

Department of Legislative Services
Maryland General Assembly
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FISCAL AND POLICY NOTE
First Reader

House Bill 697 (Delegate Luedtke, *et al.*)
Health and Government Operations

Child Abuse and Neglect - Statewide Reporting - 2-1-1 Maryland

This bill expands the duties of 2-1-1 Maryland to include serving as a statewide hotline for the reporting of child abuse and neglect.

Fiscal Summary

State Effect: The Department of Human Resources (DHR) did not provide requested information regarding the fiscal impact of this bill. While it is assumed that meeting the bill's requirements increases DHR's general fund expenditures, potentially significantly, a reliable estimate of any such increase cannot be determined without information from DHR. The Maryland State Department of Education (MSDE) and the Department of Health and Mental Hygiene (DHMH) can implement the bill using existing budgeted resources.

Local Effect: Local education agencies can use existing resources to meet the bill's requirements. It is assumed that responding to and investigating any additional child abuse and neglect reports does not materially impact local law enforcement agencies or State's Attorneys' offices.

Small Business Effect: None.

Analysis

Bill Summary: The Health and Human Services Board, in conjunction with DHR, must develop policies and procedures to ensure that 2-1-1 Maryland service provider staff are properly trained using evidence-based best practices for responding to reports of child abuse and neglect. Upon receiving a report of child abuse or neglect, 2-1-1 Maryland staff

must notify the appropriate local department of social services or law enforcement agency, which must investigate the report as required by law. DHR must post information on the reporting of child abuse and neglect through 2-1-1 Maryland prominently on its website. 2-1-1 Maryland must accept reports of child abuse and neglect 24 hours a day, seven days a week.

DHR, in cooperation with MSDE, must develop an informational poster on the reporting of child abuse and neglect through 2-1-1 Maryland and disseminate the poster to all public and private elementary and secondary schools to be prominently displayed. Each local education agency must post information on the reporting of child abuse and neglect through 2-1-1 Maryland on the agency's website and annually distribute information to parents on the reporting.

2-1-1 Maryland, in coordination with DHR, must submit an annual report to specified entities that includes (1) the total number of reports of child abuse and neglect received by 2-1-1 Maryland in the previous calendar year; (2) the number of reports received disaggregated by type of abuse; (3) the number of reports received that were screened out or ruled out; and (4) the number of reports received that resulted in a finding of indicated or unsubstantiated, as well as specified information regarding these reports. DHR, in consultation with DHMH and other appropriate stakeholders, must adopt regulations to carry out these provisions.

The bill also expands the duties of the Health and Human Services Board within DHMH to include performing the duties required under the bill provisions and authorizes DHR to adopt implementing regulations.

Current Law/Background:

2-1-1 Maryland

The three-digit number 2-1-1 is established in statute as the primary information and referral telephone number for health and human services in the State. The Health and Human Services Referral Board within DHMH provides oversight and guidance to the 2-1-1 Maryland system.

2-1-1 Maryland is a private, nonprofit organization that established and maintains an information and referral service network available to all Maryland residents, offering 24/7 guidance in accessing health, crisis, and social services. According to 2-1-1 Maryland, it answered 278,359 calls in fiscal 2016.

Child Abuse and Neglect Reporting

Health care practitioners, police officers, educators, and human service workers who are acting in a professional capacity, and who have reason to believe that a child has been subjected to abuse or neglect, must notify the local department of social services or the appropriate law enforcement agency. An “educator or human service worker” includes any teacher, counselor, social worker, caseworker, and parole or probation officer. 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.

A worker who notifies the appropriate authorities must make an oral report by telephone or direct communication as soon as possible to the local department or the appropriate law enforcement agency if the worker has reason to believe the child has been subjected to abuse or neglect. A written report to the local department is required not later than 48 hours after the contact, examination, or treatment that caused the worker to believe that the child had been subjected to abuse or neglect. A copy of the written report must be provided to the local State’s Attorney. An agency that receives an oral report of suspected abuse or neglect must immediately notify the other agency.

As far as reasonably possible, a worker who makes a report must include specified information. 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 abuse or neglect must notify the local department of social services or the appropriate law enforcement agency.

Child Abuse and Neglect Investigations

After receiving a report of suspected abuse or neglect of a child who lives in Maryland, that is alleged to have occurred in the State, the local department of social services and/or the appropriate law enforcement agency must promptly investigate the report to protect the health, safety, and welfare of the child or children. Within 24 hours after receiving a report of suspected physical or sexual child abuse, and within five days after receiving a report of suspected child neglect or mental injury, the local department or law enforcement agency must (1) see the child; (2) attempt to have an on-site interview with the child’s caretaker; (3) decide on the safety of the child and of other children in the household; and (4) decide on the safety of the other children in the care or custody of the alleged abuser. The determinations and assessments that are required during an abuse or neglect investigation are specified in statute.

The local State’s Attorney must assist in a child abuse or neglect investigation if requested to do so by a local department of social services. The local departments, appropriate law

enforcement agencies, the State's Attorneys in the counties and Baltimore City, and the local health officers must enter into a written agreement pertaining to standard operating procedures for investigations of suspected abuse or neglect. A joint investigation procedure must be implemented for conducting investigations of sexual abuse, which must include techniques for expediting validation of sexual abuse complaints and other techniques to decrease trauma to the child.

To the extent possible, a child abuse or neglect investigation must be completed within 10 days after receiving the notice of the suspected abuse or neglect. Within 10 days after receiving the first notice of suspected abuse or neglect of a child, the local department of social services or law enforcement agency must report the preliminary investigation findings to the local State's Attorney. Within 5 business days after the investigation is completed, the local department and the law enforcement agency, if the law enforcement agency participated in the investigation, must make a complete written report of findings to the local State's Attorney.

Additional Information

Prior Introductions: None.

Cross File: SB 945 (Senator Smith, *et al.*) - Finance and Judicial Proceedings.

Information Source(s): Baltimore City; Caroline and Montgomery counties; City of Bowie; Governor's Office of Crime Control and Prevention; Maryland State Department of Education; Department of Health and Mental Hygiene; Department of State Police; 2-1-1 Maryland; Department of Legislative Services

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