

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 937
Judiciary

(Delegates Valentino-Smith and Sanchez)

Child Abuse and Neglect - Memorandum of Understanding With Military
Family Advocacy Program

This bill requires a local department of social services that has a U.S. military installation located within its jurisdiction to enter into a memorandum of understanding (MOU) with the “Military Family Advocacy Program” (FAP).

Fiscal Summary

State Effect: The Department of Human Resources can handle the bill’s requirements using existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: “Military Family Advocacy Program” means the program established by the U.S. Department of Defense to address child abuse and neglect and domestic abuse in military families. An MOU must establish procedures and protocols for (1) identifying an individual alleged to have committed abuse or neglect as military personnel; (2) reporting by a local department to a military FAP when an investigation implicating military personnel has been initiated; and (3) maintaining confidentiality requirements under State and federal law.

Current Law/Background: 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. The disclosure of information regarding an applicant for or recipient of social services or child welfare services is not prohibited to an officer or employee of any state or local government, the United States, or a fiduciary institution if the officer or employee is entitled to the information in an official capacity and the disclosure is necessary to administer public assistance, medical assistance, social services, or child welfare service programs.

Federal law requires the Secretary of Defense to request each state to allow for the reporting to the Secretary of any report the state receives of known or suspected instances of child abuse and neglect in which the person having care of the child is a member of the U.S. Armed Forces (or a spouse of the member). A 2016 article in the *Child Abuse and Neglect* journal noted that each year, the Army FAP investigates between 6,000 and 9,000 reports of alleged maltreatment involving children of military service members; approximately 48% of the reported cases are determined to be substantiated. However, the article notes that the number of substantiated cases almost certainly underestimates the number of child dependents of U.S. military service members who are victims of maltreatment. At military institutions where MOUs exist between FAPs and local child welfare agencies, each agency agrees to shared case management and is expected to provide case information regarding known and suspected instances of child maltreatment involving military personnel and their families. This allows FAP to coordinate with civilian child welfare agencies, as well as provide military-specific services when appropriate.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Montgomery County; Department of Human Resources; *Child Abuse and Neglect*; Department of Legislative Services

Fiscal Note History: First Reader - March 7, 2017
mm/kdm

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