

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 454
Judiciary

(Delegate Moon, *et al.*)

Judicial Proceedings

Child Abuse and Neglect – Disclosure of Identifying Information

This bill requires a court to provide the Secretary of Health with identifying information regarding an individual who has been convicted of the murder, attempted murder, or manslaughter of a child. The bill alters, from 5 to 10 years, the period of time for which the Secretary of Health must provide birth record information to the Executive Director of the Social Services Administration (SSA); the 10-year period also applies to individuals whose identifying information has been provided by a court. The bill also adds a requirement for the Department of Human Services (DHS) to contract with an independent entity to develop a data collection process, as specified.

Fiscal Summary

State Effect: General fund expenditures increase by \$28,100 in FY 2019 for staff. Future year expenditures reflect annualization. Revenues are not affected.

(in dollars)	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	28,100	31,700	32,400	33,700	35,000
Net Effect	(\$28,100)	(\$31,700)	(\$32,400)	(\$33,700)	(\$35,000)

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The circuit courts can handle the bill's requirements with existing budgeted resources.

Small Business Effect: None.

Analysis

Bill Summary: DHS, in coordination with the Vital Statistics Administration of the Maryland Department of Health (MDH), must contract with an independent entity to develop a data collection process to assess the effectiveness of current procedures requiring the sharing of certain records between SSA and MDH in predicting and preventing child abuse and neglect by (1) calculating the sensitivity, specificity, and the positive or negative predictive value of current procedures; (2) exploring other predictors of child abuse and neglect; and (3) making recommendations on how to better target record-sharing activities.

Current Law: The Executive Director of SSA within DHS must provide the Secretary of Health with identifying information regarding individuals who, as to any child, have had their parental rights terminated and have been identified as responsible for abuse or neglect in a central registry. The Secretary of Health must provide to the Executive Director of SSA birth record information for a child born to an individual whose identifying information has been provided within the previous five years.

When birth record information is provided, the Executive Director of SSA must verify the identity of the birth parent and immediately notify the local department of social services in the jurisdiction in which the child resides so that the local department may review its records and, when appropriate, provide an assessment of the family and offer services, if needed.

Statutory provisions set forth a process by which SSA maintains a centralized confidential database of reported cases of child abuse and neglect. An individual may be identified in the database as responsible for child abuse and neglect only if the individual (1) has been found guilty of any criminal charge arising out of the allegations or found responsible for indicated abuse or neglect and (2) has either unsuccessfully appealed the finding in accordance with specified procedures or failed to exercise the right to appeal.

Background: The State's birth match program is an initiative intended to ensure the safety of newborns by identifying and offering supportive services to individuals who have additional children, after being identified as responsible for child abuse and neglect and having their parental rights terminated.

State Expenditures: General fund expenditures for MDH increase by \$28,100 in fiscal 2019, which accounts for the bill's October 1, 2018 effective date. This estimate reflects the cost of hiring one part-time data production manager (0.25 full time equivalent) to (1) develop and maintain a database to track information from the circuit courts; (2) identify matches for these names, as well as for the names of individuals whose information has been provided over the extended-year period set forth in this bill; and

(3) notify SSA of any matches. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Position	.25
Salary and Fringe Benefits	\$23,093
Operating Expenses	<u>5,007</u>
Total FY 2019 State Expenditures	\$28,100

Future year expenditures reflect full salary with annual increases and employee turnover and ongoing operating expenses.

The bill does not materially impact the workload of the Judiciary or DHS. DHS also advises that it can use existing resources to contract with an independent entity to develop a data collection process. To the extent that a new data collection process is developed and/or procedures are changed based on recommendations regarding record-sharing activities, expenditures may be further impacted. However, any such expenditures cannot be predicted beforehand and are, therefore, not accounted for in this fiscal and policy note.

Additional Information

Prior Introductions: None.

Cross File: SB 490 (Senator Kelley, *et al.*) - Judicial Proceedings.

Information Source(s): Montgomery County; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Maryland Department of Health; Department of Human Services; Department of Legislative Services

Fiscal Note History: First Reader - February 6, 2018
nb/kdm
Third Reader - March 26, 2018
Revised - Amendment(s) - March 26, 2018

Analysis by: Jennifer K. Botts

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