

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 843

(Chair, Judiciary Committee)(By Request - Departmental
- Human Services)

Judiciary

Judicial Proceedings

**Department of Human Services - Child Abuse and Neglect - Disclosure of
Information**

This departmental bill authorizes the disclosure of reports or records concerning child abuse or neglect to local or State officials responsible for the administration of juvenile services on request and as necessary to carry out their official functions.

Fiscal Summary

State Effect: The bill's changes do not materially affect the workload or finances of the Department of Juvenile Services (DJS) or the Department of Human Services (DHS).

Local Effect: None.

Small Business Effect: DHS has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Current Law: All records and reports about child abuse and neglect are confidential; however, records of child abuse or neglect must be disclosed pursuant to an order of the court or in other specified circumstances. Child abuse and neglect records may be disclosed on request to individuals or entities under circumstances specified in statute, including to local or State officials responsible for the administration of child protective services, child care, or foster care, as necessary to carry out their official functions.

Unauthorized disclosure of child abuse or neglect records is a misdemeanor and is subject to up to 90 days imprisonment and/or a fine of up to \$500.

Background: DJS is the State entity that oversees the State's juvenile justice system. Pursuant to Chapter 669 of 2018, DHS or a local department of services may have access to and confidential use of a court record concerning a child who is the subject of a delinquency, Child in Need of Supervision, or peace order proceeding if, in coordination with DJS, it is providing services or care for the child for a purpose relevant to the provision of the services or care. DHS advises that although it may receive pertinent information from DJS, statutory provisions do not fully permit DHS to reciprocate with information about its child abuse and neglect cases. The legislation is intended to ensure that DHS and DJS are able to exchange all information necessary to care for or provide services to children and their families. Furthermore, as the State continues the development and implementation of MD THINK, the State's technology platform intended to integrate access to programs administered by human services agencies, it is critical to ensure that statutory provisions fully support the exchange of information between DJS and DHS, as both agencies will be operating within the same data system.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Human Services; Department of Juvenile Services; Department of Legislative Services

Fiscal Note History: First Reader - February 27, 2019
sb/jc Third Reader - March 26, 2019

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Human Services – Information sharing relevant to the provision of services or care

BILL NUMBER: HB 843

PREPARED BY: Department of Human Resources
(Dept./Agency)

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS