

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

House Bill 1248

Judiciary

(Delegate Valentino-Smith)

Judicial Proceedings

Child Abuse and Neglect – Investigations – Timeliness

This bill requires the Department of Human Services (DHS) to implement policies to ensure that specified actions are taken if a local department of social services or the appropriate law enforcement agency fails to see a child who is the suspected victim of child abuse or neglect within the timeframes required in statute. DHS must prepare and issue a quarterly report identifying investigations or reports that are not completed within required timeframes. In addition to one-time reporting requirements (discussed below), by December 1, 2022, and each December 1 thereafter, DHS must report to the General Assembly on the progress of local departments in complying with the timeframes for conducting investigations and completing reports as required under statute. **Provisions requiring the implementation of policies and the quarterly and annual reports terminate September 30, 2027.**

Fiscal Summary

State Effect: DHS can handle the bill's requirements using existing budgeted resources. Revenues are not affected.

Local Effect: The bill is not anticipated to materially affect local government operations or finances.

Small Business Effect: Minimal

Analysis

Bill Summary: DHS must implement policies to ensure that if a local department or the appropriate law enforcement agency fails to see a child in accordance with statutory timeframes:

- the reason for the delay is documented in the child's case file; and
- a supervisor at the local department (1) is notified of the delay in order to support staff in making initial contact with the child and (2) reviews the documentation during the review of the final investigation report.

The required quarterly reports must include an explanation for each delay, compiled with input from the local departments.

By December 1, 2023, DHS must (1) assess studies and methodologies related to analyzing workloads in child welfare systems and (2) report to the Joint Audit and Evaluation Committee, the Senate Budget and Taxation Committee, and the House Appropriations Committee on a plan to develop a child welfare workload assessment in the State based on best practices and the assessments required above.

By December 1, 2024, DHS must (1) complete the child welfare workload assessment developed above and (2) report to the committees specified above on the outcome of the assessment; a plan to address understaffing in the State's child welfare system; estimates of the cost to address understaffing in the State's child welfare system; and the benefits to children and families in the State of a properly staffed child welfare system.

Finally, the bill establishes that a clinical professional counselor licensed under Title 17 of the Health Occupations Article may serve as one of the two individuals who conducts an assessment as part of an investigation if mental injury is suspected (as required under current law).

Current Law: 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 and thoroughly 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 onsite 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 the investigations if requested to do so by a local department of social services.

Generally, the local departments, appropriate law enforcement agencies, the State's Attorneys in the counties and Baltimore City, and other specified entities must enter into a written agreement pertaining to standard operating procedures for investigations of suspected abuse or neglect (and the prosecution of reported cases). Additional requirements are also specified for joint investigation procedures regarding suspected child sexual abuse. 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. An investigation that is not completed within 30 days must be completed within 60 days of receipt of the first notice of the suspected abuse or neglect.

Within five 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.

Reports of child abuse and neglect may also be referred for an alternative response in specified circumstances. An "alternative response" means a component of the child protective services program that provides for a comprehensive assessment of (1) risk of harm to the child; (2) risk of subsequent child abuse or neglect; (3) family strengths and needs; and (4) the provision of or referral for necessary services. An alternative response does not include an investigation or a formal determination as to whether child abuse or neglect has occurred. Only a low-risk report of abuse or neglect may be considered for an alternative response. Statutory provisions also set forth procedures for an alternative response, including timeframes by which assessments and written reports must be completed.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 820 (Senator Lam)(By Request - Joint Audit and Evaluation Committee) - Judicial Proceedings.

Information Source(s): City of College Park; Harford, Montgomery, and Talbot counties; Department of State Police; Maryland Association of County Health Officers; Department of Human Services; Department of Legislative Services

Fiscal Note History: First Reader - March 1, 2022
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