

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 950
Judiciary

(Delegate Wilson)

Child Abuse and Neglect - Disclosure of Reports and Records

This bill authorizes the Department of Human Services (DHS) to disclose a report or record of child abuse or neglect to (1) the administrator of a child care center operated by or on behalf of a unit of State or local government or in a State-occupied building, as specified; (2) the coach, team administrator, or manager of a youth sports program, as defined in § 14-501 of the Health General Article; and (3) the administrator or other appropriate personnel of any organization that provides adult supervision or care and control of children.

Fiscal Summary

State Effect: DHS can likely implement the bill using existing budgeted resources, as discussed below. Revenues are not affected.

Local Effect: The bill does not materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Current Law: Generally, 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, juvenile services, child care, or foster care, as necessary to carry out their official functions.

For example, a report or record concerning child abuse or neglect may be disclosed by DHS to the operator of a child care center that is required to be licensed or to hold a letter of compliance or to a family child care provider who is required to be registered, as specified, to determine the suitability of an individual for employment in the child care center or family child care home.

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.

Child Abuse or Neglect Centralized Confidential Database – Generally

The Social Services Administration (SSA) within DHS maintains a centralized confidential database of cases of reported child abuse or neglect, accessible by each local department of social services. Information in the centralized confidential database must be accessible only to the protective services staff of SSA or local departments who are investigating or assessing a report of suspected abuse and an individual or entity specifically authorized by law to access the information.

DHS or a local department may identify an individual as responsible for abuse or neglect in the centralized confidential database only if the individual (1) has been found guilty of any criminal charge arising out of the alleged abuse or neglect or (2) has been found responsible for indicated abuse or neglect and has unsuccessfully appealed the finding or failed to exercise the individual's appeal rights within the allotted time period, as specified in statute. The centralized confidential database may not contain any information that is required to be expunged under statute.

Unless an individual has been identified as responsible for abuse or neglect in the centralized confidential database in accordance with statute, information in the centralized confidential database may not be provided in response to any request for background information for employment or voluntary service. Notwithstanding any other provision of law, an individual may not be identified as responsible for abuse or neglect in the database solely because (1) a child has been released from a hospital or other facility; (2) the child has been diagnosed with a mental disorder or developmental disability; and (3) the individual has failed to take the child home due to a reasonable fear for the safety of the child or child's family.

Definitions

Under Title 9.5, Subtitle 5 of the Education Article, the Maryland State Department of Education is authorized to establish child care centers for the children of State employees in State-occupied buildings, as further specified. "State-occupied building" means (1) an office building acquired through any means by the State for use by a State agency

or department and (2) an office building constructed by or for the State for occupancy by a State agency or department.

“Youth sports program” means a program organized for recreational athletic competition or instruction for participants who are younger than age 19.

State Expenditures: DHS advises it requires five additional administrative contractual staff to assist in the redaction of certain information within reports and records of active and ongoing investigations of child abuse and neglect. DHS estimates the need for contractual personnel for two years, with general fund expenditures increasing by \$247,042 in fiscal 2026 and \$270,057 in fiscal 2027. DHS bases its estimate on the anticipation of receiving an increase in background clearance applications and requests for records disclosure.

The Department of Legislative Services (DLS), while acknowledging the bill expands eligible recipients of such reports and may result in additional requests and applications for disclosure, generally disagrees with the estimate provide by DHS. Investigations into child abuse or neglect are handled by child protective services workers, whose responsibilities, as they relate to conducting investigations or creating a report, are unchanged by the bill. According to DHS, current administrative practice for disclosures is informal, involves no written work, and only requires redacting the information of the individual who filed the report from the document before disclosure. As such, DLS advises that any potential increase in workload associated with additional requests for records is likely absorbable using existing budgeted resources.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Charles, Dorchester, Garrett, and Howard counties; Maryland Association of Counties; Judiciary (Administrative Office of the Courts); Maryland State Department of Education; Maryland Department of Health; Department of Human Services; Department of Legislative Services

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