

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 302

(Delegate Moon)

Judiciary

Judicial Proceedings

Courts and Judicial Proceedings - Statement of Charges - Human Service Workers

This bill expands statutory requirements that are applicable when an application for a statement of charges is filed against certain professionals alleging an offense committed in the course of executing the professional's duties to include "adult protective services workers" and "child welfare caseworkers."

Fiscal Summary

State Effect: The bill is not anticipated to materially affect the operations or finances of the Judiciary.

Local Effect: The bill is not anticipated to materially affect the operations or finances of State's Attorneys' offices or the circuit courts.

Small Business Effect: None.

Analysis

Bill Summary: "Adult protective services worker" means a human service worker (defined as any professional employee of any public or private health or social services agency or provider, including any social worker and caseworker) employed by a public adult protective services program.

"Child welfare caseworker" means a human services professional who meets qualifications for employment under § 4-301 of the Human Services Article, generally including:

- social workers licensed in accordance with Title 19 of the Health Occupations Article;

- psychologists licensed in accordance with Title 18 of the Health Occupations Article;
- professional counselors certified in accordance with Title 17 of the Health Occupations Article;
- nurses licensed in accordance with Title 8 of the Health Occupations Article;
- school psychologists certified in accordance with regulations adopted under Title 6, Subtitle 7 of the Education Article; and
- human service workers who (1) have a degree in an appropriate behavioral science; (2) have completed the mandatory preservice training and competency test; and (3) are supervised by licensed social worker.

Current Law: An application for a statement of charges for an offense allegedly committed in the course of executing the duties of a law enforcement officer, emergency services personnel, or an educator may not be filed against such a professional until the State's Attorney has investigated the circumstances of the matter and made recommendations to the District Court Commissioner.

An application filed in the District Court requesting that a statement of charges be filed against a law enforcement officer, emergency services personnel, or an educator for an offense allegedly committed in the course of executing the duties of the individual must immediately be forwarded to the State's Attorney. Upon receipt, the State's Attorney must (1) investigate the circumstances of the matter and (2) make a recommendation to the District Court Commissioner as to whether a statement of charges should be filed against the individual (if applicable, including whether a summons or warrant should be issued).

The State's Attorney is not precluded from making a determination that an information should be filed against a law enforcement officer, emergency services personnel, or an educator or that a grand jury should be convened to determine whether an indictment should be filed.

Additional Information

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

Designated Cross File: None.

Information Source(s): Charles, Garrett, and Montgomery counties; Maryland Association of Counties; Judiciary (Administrative Office of the Courts); Maryland State's Attorneys' Association; Department of Human Services; Department of Legislative Services

Fiscal Note History: First Reader - January 31, 2025
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