

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 834
Judiciary

(Delegate Schindler)

Family Law - Child Neglect Definition - Alteration

This bill expands the definition of “neglect,” under statutory provisions that govern the reporting and investigation of child abuse and neglect, to include the failure or refusal to provide to a child the education required by law by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of the child.

Fiscal Summary

State Effect: Potential significant increase in general fund expenditures for the Department of Human Services (DHS) beginning in FY 2027, as discussed below. General fund expenditures also likely increase for the Office of the Public Defender (OPD). The Judiciary can handle additional cases generated under the bill using existing budgeted resources. Revenues are not affected.

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

Small Business Effect: None.

Analysis

Current Law:

Mandatory Reporting of Suspected Child Abuse and Neglect

Mandatory Reporters: Under Title 5, Subtitle 7 of the Family Law Article, health care practitioners, police officers, *educators*, and human service workers who are acting in a professional capacity, and who have reason to believe that a child has been subjected to

abuse or neglect must notify the local department of social services or the appropriate law enforcement agency. An “educator or human service worker” includes any *teacher*, counselor, social worker, caseworker, and parole or probation officer. If the worker is acting as a staff member of a hospital, public health agency, child care institution, juvenile detention center, school, or similar institution, then the individual must notify the head of the institution or the designee.

Reporting by Other Individuals: Although the term “mandatory reporters” refers only to individuals who must report suspected child abuse or neglect because of their professional capacity, State law generally requires all individuals to report suspected child abuse and neglect.

Under the applicable definition, “neglect” means the leaving of a child unattended or other failure to give proper care and attention to a child by any parent or other person who has permanent or temporary custody or responsibility for supervision of the child under circumstances that indicate (1) that the child’s health or welfare is harmed or placed at substantial risk of harm or (2) mental injury to the child or a substantial risk of mental injury.

Child Abuse and Neglect – Investigations

Generally, 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 on-site 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.

State Expenditures: The bill is likely to generate a significant number of additional reports of suspected neglect, particularly from educators who are subject to mandatory reporting requirements in their professional capacity. Of note, both DHS and OPD advise that because of the broad language under the bill, parents with children who are chronically absent from school could be reported for suspected neglect.

Accordingly, DHS anticipates a *significant* increase in staff to facilitate a substantial increase in the volume of reports it receives while complying with statutory timeframes and maintaining appropriate caseload standards. Specifically, DHS advises that it requires 4,225 additional personnel (including 3,400 caseworkers, 698 supervisors, 92 hotline staff, 15 appeal coordinators, 8 assistant Attorney's General, and other related positions) throughout the State, at an annual cost of approximately \$338 million. DHS anticipates additional one-time and ongoing costs associated with staff training and necessary system updates and maintenance.

While acknowledging the bill widely expands the potential pool of cases for reporting and subsequent investigation, the Department of Legislative Services is unable to (1) validate the information provided by DHS or (2) verify that additional staffing needs would be nearly as extreme as that indicated by DHS. DHS bases its estimate on the following: (1) 1.0 million students were enrolled in private or public school in the 2023-2024 academic school year; and (2) of those students, 27% experienced chronic absences that could trigger an investigation of neglect under the bill. Using this information, DHS anticipates approximately 277,800 new investigations and mandated reports on an annual basis, with the associated expenditures referenced above. However, DHS also acknowledges that this represents the upper end of possible costs, and that it based its estimate on this assumption to illustrate the importance of clarifying the intent of the bill.

For illustrative purposes only, for each additional caseworker required, general fund expenditures increase by approximately \$89,000 on an annual basis. The anticipated increase in referrals to local departments may also increase the workload of OPD, which represents parents in related matters. *For illustrative purposes only*, for each additional

assistant public defender required, general fund expenditures increase by approximately \$130,000 annually.

Additional Information

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

Designated Cross File: SB 711 (Senator Corderman, *et al.*) - Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Human Services; Department of Legislative Services

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