

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

House Bill 1326
Judiciary

(Delegate Wilson, *et al.*)

Judicial Proceedings

Child Abuse and Neglect - Disclosure of Reports and Records

This bill authorizes the Department of Human Services (DHS) to disclose a report or record concerning child abuse or neglect after a finalized finding of indicated 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 for recreational athletic competition or instruction for participants who are minors; and (3) the administrator or other appropriate personnel of any organization that has temporary care or custody of a child or responsibility for the supervision of a child. The disclosures must be for the purpose of determining the suitability of an individual for employment or voluntary service with the applicable entity.

Fiscal Summary

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

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

Small Business Effect: Minimal.

Analysis

Current Law: Generally, under provisions in § 1-202 of the Human Services Article, 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 (CPS), juvenile services, child care, or foster care, as necessary to carry out their official functions.

DHS is also permitted to disclose a report or record concerning child abuse or neglect 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

Under § 5-714 of the Family Law Article (unaffected by the bill), 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 CPS 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.

State Expenditures: DHS advises that implementation of the bill requires one additional full-time supervisor and the conversion of three contractual personnel (who currently handle CPS clearances) into permanent staff. General fund expenditures associated with

these positions/conversions are approximately \$567,000 on an annual basis. DHS generally bases its estimate on the anticipation of receiving an increase in disclosure requests for reports/records and the establishment of a process for the proactive disclosure of reports/records (when authorized under the bill); however, it did not provide details on the estimated number of additional requests that was used to formulate its staffing estimate.

Based on the assumptions discussed below, the Department of Legislative Services disagrees that additional staff are necessary. Under the bill, DHS is simply authorized to notify certain additional entities once there is a finalized indicated finding of child abuse or neglect. This analysis assumes that DHS does so only when such entities are readily known and identifiable by DHS at the conclusion of an investigation (*e.g.*, staff are not required to continuously monitor the potential need for additional disclosures that may become apparent after an investigation has concluded, engage in extensive investigation to find potential eligible recipients, etc.). Further, although additional entities are authorized recipients of reports/records under the bill once there has been a finalized indicated finding, it is unclear whether (or the extent to which) additional requests are generated by the bill. It is generally assumed that authorized entities under the bill, which may already be requiring individuals to request a pre-employment/volunteer service CPS background clearance at certain intervals, do not change any current practices related to any such clearances. Should, however, DHS experience a significant increase in requests that is not manageable with existing staff, additional resources can be requested under the annual budget process.

Additional Comments: The bill as written intends to make a corrective change, listing the Juvenile Justice Monitoring Unit as part of the Correctional Ombudsman. However, DLS assumes the corrective reference to statute is intended to reference Title 9, Subtitle 40 (Office of the Correctional Ombudsman), rather than Subtitle 4 (Subtitle 4 formerly related to the Commission on the Capital City but has been repealed).

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 950 of 2025.

Designated Cross File: SB 447 (Senator Gile) - Judicial Proceedings.

Information Source(s): Baltimore City; Harford and Montgomery counties; Office of the Correctional Ombudsman; Maryland State Department of Education; Department of Human Services; Department of Legislative Services

Fiscal Note History:
caw/jkb

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