

MSCCA HB 931 testimony March 31 PDF.pdf

Uploaded by: Peusch, Christina

Position: UNF



**Caring For Maryland's Most
Important Natural Resource™**

Maryland State Child Care Association

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The Maryland State Child Care Association (MSCCA) is a non-profit, statewide, professional association incorporated in 1984 to promote the growth and development of child care and learning centers in Maryland. MSCCA has over 4500 members working in the field of early childhood. We believe children are our most important natural resources and work hard to advocate for children, families and for professionalism within the early childhood community.

March 31, 2021
Position: Oppose
HB 931
Judiciary

MSCCA recognizes and appreciates the efforts of Delegate Arikan to champion important issues, especially child abuse and neglect. MSCCA represents over 4800 child care/early childhood professionals working in the licensed, regulated child care across Maryland who are mandated reporters of child abuse and neglect. We all agree children's safety and well being is our most important priority.

MSCCA opposes HB 931 as there are effective processes in place to investigate alleged child abuse with child protective services, law enforcement and MSDE participating in protocols to investigate any and all child abuse or neglect complaints. This proposed legislation requires written or in person notification within 24 hours to all of the children's families in their program of alleged abuse or neglect along with local child advocacy center and local resources for mental health. No formal investigation by experts can be done in 24 hours!

The professional agencies involved in the investigation of suspected or alleged child abuse or neglect should take the lead and instruct the child care program/provider as to what is necessary to be required based on allegations or suspicions. To alert all families without a formal and thorough investigation by professionals in the field and confirmation of guilt based on facts is not due process. If the bill required suspension of the person accused until investigation is complete, MSCCA would support in full. If the bill required all families to be notified after investigation is complete and abuse or neglect is corroborated and confirmed, MSCCA would support.

All working in licensed, regulated child care must have extensive state, federal criminal background checks and Maryland also requires the child protective services background checks before anyone can step foot in a child care center or open a family child care.

In our country people are presumed innocent until proven guilty. To alarm all families predicated on a suspected allegation is not due process and could possibly cause much unnecessary anxiety for the families, unnecessary anxiety and probing of very young children not implicated in the allegations and basically turning an allegation into presumed guilt without allowing the experts to do their job. HB 931 has the potential to put child care and preschools out of business before even completing due process or formally investigating the nature of the complaint because when all parents are notified in 24 hours, even if the accused is innocent, most will pull their children out of the licensed program and in the world of social media, the person and program will be forever clouded by suspicion, even if innocent.

MSCCA is unaware of data in Maryland that would require this type of mandate.

MSCCA opposes HB 931 and asks committee to vote against this critical mandate.

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Uploaded by: Sledge, Rachel

Position: INFO

DATE: March 31, 2021

BILL NUMBER: House Bill 931

COMMITTEE: Judicial Proceedings

BILL TITLE: Child Care Providers - Notice of Allegations of Child Abuse or Neglect (Aiden's Law)

DHS POSITION: Letter of Information

The Department of Human Services (DHS) respectfully offers this letter of information regarding House Bill 931 (HB931). House Bill 931 would require a child care home or center to provide written notice within 24 hours to all parents or guardians of children in the provider or center's care if the provider or center is aware that child abuse or neglect occurred in the home or center or that a report of such abuse or neglect was made.

Generally, a child care home or center will forward an incident report to parents unless advised otherwise. In a case where a child care provider knows of either suspected abuse or neglect either at home or at the child care center, law enforcement or the local department may not be able to determine within 24 hours whether notification to parents would interfere with the investigation. As such, HB 931 may inadvertently interfere with the investigation by requiring notice within the stated 24 hour period. Additionally, the bill does not ensure that either law enforcement or the Local Departments of Social Services (LDSS) would have the opportunity to make that determination before notice would be given if more time is needed.

Family Law 5-705.3 requires the LDSS to notify the State Superintendent of Schools' designee within 48 hours if a report of suspected abuse is made. Under HB 931, the required 24 hours reporting time imposed on the child care home or center will have passed, not providing enough time for law enforcement or the local department to advise the State Superintendent's designee that notice would interfere with the investigation. The bill is unclear as to whether a child care center or home would be required to make a notification both when it became aware of the suspected abuse or neglect or knew that abuse or neglect had been reported and after the State Superintendent of Schools received notice under current law. These conflicting timelines may create undo stress on parents and children prior to a determination regarding the investigation.

The bill requires that parents be provided contact information for the local child advocacy center (CAC). However, CACs are not involved in every CPS investigation related to a family daycare home or childcare center. "Suspected" child abuse and neglect is defined in COMAR 07.02.07.02B as abuse or neglect to which a reporter *believes* a child has been subjected. CACs are not involved in investigations of reports that were screened out or determined to be unsubstantiated. Not all suspected reports of child maltreatment are investigated, although this bill would require parental notification regardless of the screening decision. In these cases CACs could offer no support to parents or guardians.

The Department appreciates the opportunity to share this information regarding HB 931 and respectfully requests this information be taken into account during the Committee's deliberations.

