

DATE: February 18, 2021

BILL NUMBER: House Bill 931 **COMMITTEE:** Judiciary

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.