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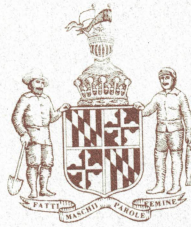
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HB1246 - Child Abuse and Neglect – Reports and Records Disclosure (Anderson's Law)

This is a very simple bill that clarifies Maryland's obligations under federal law to release to the public DHS records when a child who has history with the Department suffers a fatality or a serious, near-fatality injury. Under the federal Child Abuse Prevention and Treatment Act, every state is required to ensure that the public is informed about cases of child abuse or neglect that result in the death or near death of a child.¹ The state must make public the child's age and gender, the cause of the fatality or near fatality, information describing any prior reports of child abuse or neglect involving the family, information regarding investigations pertinent to the child abuse or neglect that led to the child's death or injury, and services provided and actions of the State on behalf of the child.

The problem with the current Maryland law is that while it provides for the release of this information, it has an exception that swallows the entire rule. Under current law, the State's Attorney can block the release of this required information merely by stating that release of the information would harm any related investigation or prosecution. Of course, there will always be an investigation into a child abuse-related fatality, and the presence of an investigation should not allow the agency to avoid its legal duty to the public.

¹ https://www.acf.hhs.gov/cwpm/public_html/programs/cb/laws_policies/laws/cwpm/policy_dsp.jsp?citID=68

DHS contends that releasing this information will infringe on the privacy of these families, but I would note that in almost every situation involving a child's death from abuse or neglect, we see the child's and parent's names in the media. What we are not allowed to see when DHS keeps this information private is what the agency did or failed to do to protect the child. We must have this transparency so we, as taxpayers and legislators, can ensure our child protection agency is actually protecting children.

Transparency is also necessary if the public is going to put its confidence in our child protection system. When a child dies from abuse or neglect and the media reports that DHS had prior involvement with the child's family, the agency's refusal to provide information about its involvement leads the average taxpayer to presume they have something to hide. I would argue that by providing the required information, the agency can not only be held accountable but also can improve its public image and better explain the challenges it faces in keeping children safe.

The reason I bring this bill to you today and why I named it Anderson's law is because I like many of you were shocked to learn about the 300th murder in Baltimore for 2021 was a 5 year old child name Nivea Anderson who reportedly had previous signs of abuse and neglect at the time of her death. While I have complete confidence in the work of the fatality review board, I feel that the public has a right to transparency and should be allowed to see these and other records. That's not only my feeling – that's what federal law requires, and failure to follow that law may result in the federal government withholding our State's CAPTA grant.

We agree that there should be some protections – for example, for law enforcement records; names of siblings; names of children who were injured but who did not die; and medical records. But it is imperative that this body do whatever it can to protect the children of this state, and this bill will go a long way in achieving that goal.

PLEASE ENTER A FAVORABLE REPORT FOR HB1246.