

# **Testimony SB 631 PDF.pdf**

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Judicial Proceedings Committee  
Executive Nominations Committee

Senate Chair  
Joint Committee on  
Children, Youth, and Families

THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

March 8, 2023  
Senate Judicial Proceedings Committee  
The Honorable William C. Smith, Jr.  
2 East Miller Senate Building  
Annapolis, Maryland 21401

**Re: Senate Bill – 631– Child Abuse and Neglect -- Reports and Records – Disclosure**

Dear Chairman Smith and Members of the Committee,

SB 631 (cross-filed as HB 1019) has a simple goal of better aligning Maryland's obligation under the federal law CAPTA (Child Abuse Prevention and Treatment Act) to release information publicly from the Department of Human Services (DHS) when a child suffers a fatality or near-fatality. It also is the culmination of working closely with Maryland State's Attorneys and stakeholders from Georgia who passed an analogous law several years ago.

Maryland's public disclosure laws generally, including the one we are revising here, were enacted before and/or without knowledge of the federal CAPTA law and its disclosure requirements, the aim of which is to enhance transparency and accountability. Thus, as a matter of practice currently in Maryland, even if an individual in the affected community, the press, or a non-profit that is advocating for better child welfare services requested information about a child who died while under the protection of social services, no information is provided. State's Attorneys and DHS overwhelmingly block any and all details from release under the broad and highly subjective decision that disclosure could undermine an investigation. There are no time constraints on this decision and no attempt to redact certain sensitive information versus completely blocking all information to the public.

Maryland, in other important areas, has recognized that giving some information to the public is critical to keeping government actors accountable and the public informed—for instance, body cameras on law enforcement officers. So too should this good government policy be applied to when a child that the state has intervened to protect has died or nearly died.

Under SB 631, both DHS and the State's Attorneys will have strict but collaborative deadlines to respond in a timely manner to public disclosure requests and to redact, rather than wholesale prevent, information from being released before the conclusion of an investigation or prosecution. It also allows for the balance of information to be provided after an investigation or prosecution is complete. SB 631 already had its cross-file hearing in the House on March 2<sup>nd</sup> where there was no opposition.

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Uploaded by: Rachel Sledge

Position: INFO

**Date:** March 8, 2023

**Bill number:** SB0631

**Committee:** Senate Judicial Proceedings Committee

**Bill Title:** **Child Abuse and Neglect – Reports and Records – Disclosure**

**DHS Position:** **LETTER OF INFORMATION**

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The Maryland Department of Human Services (DHS) thanks the Committee for the opportunity to provide written information for Senate Bill 631.

Senate Bill 631 seeks to broaden the disclosure of information concerning child abuse or neglect reports or records under certain circumstances. The bill would make significant changes to the statute regarding the disclosure of child fatality investigations and remove confidentiality protections for a report or record of abuse or neglect “if the report or record pertains to a child who:

1. Suffered a fatality or near fatality;
2. Was in the custody of a state department or agency or in the care of a foster parent at the time the child suffered a fatality or near fatality; and
3. Is the subject of an investigation, a report, a referral, or a complaint received by a local department.”

DHS believes that the removal of prosecutorial discretion to prevent release of such information may jeopardize ongoing investigations and the ability to prosecute child fatalities. Additionally, DHS believes that this bill would create issues of confidentiality and personal privacy. The bill removes confidentiality protection from the above class of cases; however, the current statute preserves the confidentiality of the cases while allowing certain information about the case to be disclosed if certain conditions are met.

Maryland Health General Article §5-706 creates Local Child Fatality Review (CFR) teams who have been charged with submitting reports providing: “discussion of individual cases, steps taken to improve coordination of services and investigations, steps taken to implement changes recommended by the local team within member agencies, and recommendations on needed changes to State and local law, policy, and practice to prevent child deaths.”<sup>1</sup> The Maryland CFR team is independent, multidisciplinary, and critically reviews cases to identify system opportunities for improvement. Their findings are available to the public in an annual report. Other multidisciplinary groups in Maryland have similar charges to prevent child injury and death. The State Council on Child Abuse and Neglect (SCCAN) and the Citizen Review Board for Children (CRBC) examine policies and practices for protecting children. Furthermore, DHS has implemented a Child Maltreatment Fatality Review process specifically developed to critically review child maltreatment-related deaths when a local department of social services is involved.

The Department appreciates the opportunity to provide the aforementioned information to the committee for consideration during your deliberations. DHS welcomes collaboration with the committee on Senate Bill 631.

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<sup>1</sup> Health General Article §5-706 (b) (5)



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Position: INFO



Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

March 8, 2023

The Honorable William C. Smith Jr.  
Chair, Senate Judicial Proceedings Committee  
2 East Miller Senate Office Building  
Annapolis, MD 21401-1991

**RE: SB 631 - Child Abuse and Neglect - Reports and Records – Disclosure – Letter of Information**

Dear Chair Smith and Committee Members:

The Maryland Department of Health (MDH) respectfully submits this letter of information for Senate Bill (SB) 631 - Child Abuse and Neglect - Reports and Records - Disclosure. SB 631 provides that, notwithstanding any other provision of law, a report or record of child abuse or neglect is not confidential if the report pertains to a child who: (1) suffered a fatality or near fatality; (2) was in the custody of a state department or in the care of a foster parent at the time the child suffered a fatality or near fatality; and (3) is the subject of an investigation, a report, a referral, or a complaint received by a local department.

MDH notes that there are existing multidisciplinary groups in Maryland charged with preventing child injury and death:

- The Maryland State Child Fatality Review (CFR) Team is a multidisciplinary and multi agency review team that partners with local review teams to conduct confidential reviews of child death cases to identify system opportunities for improvement.<sup>1</sup> The CFR team provides recommendations to prevent future child deaths.
- The State Council on Child Abuse and Neglect and the Citizen Review Board for Children examine policies and practices for protecting children. Most recently, a state Child Maltreatment Fatality Review Plan was developed to review specific cases of child maltreatment deaths.<sup>2</sup>

Confidentiality for the case review process is an important component to allow an unbiased, protected review of the cases and protect the privacy of the families and children involved. Removing confidentiality may prevent agencies or organizations from disclosing vital information.

If you have any questions or comments, please contact Megan Peters, Acting Director, Office of Governmental Affairs, at [megan.peters@maryland.gov](mailto:megan.peters@maryland.gov) or (410) 260-3190.

Sincerely,

Laura Herrera Scott M.D., M.P.H.  
Secretary

<sup>1</sup><https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=ghg&section=5-702&enactments=false>

<sup>2</sup><https://dhs.maryland.gov/documents/Child%20Protective%20Services/Maryland%E2%80%99s-Child-Maltreatment-Fatality-Review-Plan.pdf>