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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 2nd where there was no opposition.