

Date: April 5, 2023

Bill number: SB0631

Committee: House Judiciary Committee

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

DHS Position: **LETTER OF INFORMATION**

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

Senate Bill 631 modifies existing state law regarding the disclosure of information concerning child abuse or neglect reports or records under certain circumstances. Under existing law, Human Services §1-203 contains provisions to permit public disclosure of certain information regarding the actions or omissions of the Department or its local department after a child named in a report of abuse or neglect has suffered a fatality or near fatality under specified circumstances. The existing statutory provisions are intended to comply with federal law under the Child Abuse Prevention and Treatment Act (CAPTA) that conditions federal funding on the State maintaining “provisions which allow for public disclosure of the findings or information about the case of child abuse or neglect which has resulted in a child fatality or near fatality.”¹

As amended, SB 631 would strike the provisions that permit public disclosure generally (page 2, lines 19-25) and limit public disclosure only to cases in which the child “was in the custody of a local or State Department or agency” (page 3, lines 10-11). There is no provision in the federal guidelines² that suggests states can limit this disclosure to only children in state custody while retaining eligibility for federal funding under CAPTA.

DHS wanted to provide the following information for consideration:

- On page 3, lines 10-11 state: WAS IN THE CUSTODY OF A LOCAL OR STATE DEPARTMENT OR AGENCY, OR IN THE CARE OF A FOSTER PARENT. Although “local department” is defined as the local department in the county where the child lives or where the abuse occurred, the new text would require the Department to be aware of any child taken into the custody of any other State Department or Agency.
- On page 3, lines 12-14 state: IS THE SUBJECT OF AN INVESTIGATION, A REPORT, A REFERRAL, OR A COMPLAINT RECEIVED BY A LOCAL OR STATE DEPARTMENT OR AGENCY. DHS would not know if the child is the subject of a report/complaint made to the Board of Education or another State Agency that is not DHS.
- On page 3, lines 19-24 reference the State’s Attorney’s Office redacting the record; however, that provision seems to incorrectly assume that the State’s Attorney would have the DSS record without explicitly requiring the DSS to provide that record.
- Page 3, line 21 requires the State’s Attorney’s Office to go through a process of redacting a record to the extent that any portion may hinder the prosecution of a criminal case. However, the bill does not contemplate that the redacted record would be disclosed. Instead, page 2, line 17 and page 3, line 34 require the Secretary to disclose “information” in accordance with (d) and (e). Subsection (d) describes the type of information that must be disclosed, while subsection (e) describes the types of information that cannot be disclosed.

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.

¹ 42 U.S.C. § 5106a(b)(2)(B)(X)

² [2.1A.4 CAPTA, Assurances and Requirements, Access to Child Abuse and Neglect Information, Public disclosure](#)

