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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

Testimony of Senator Mary-Dulany James
In Favor of SB 89 - Child Abuse and Neglect - Reports and Records - Disclosure
Before the Judicial Proceedings Committee
On February 7th, 2024

Mr. Chairman, Vice Chair, and Members of the Committee,

This bill was before the Judicial Proceedings Committee last year and, at that time, the Senate sponsor of the bill, the Maryland State's Attorneys' Association, and stakeholder experts in Georgia, who had passed an analogous law several years ago, engaged in time-intensive collaboration so that the Judicial Proceedings hearing, favorable report, and unanimous Senate vote all came too late in session for the House of Delegates to give full consideration of the bill.

It is hoped that this fully-vetted legislation, with an earlier start in the Senate, will meet with success in the House this year.

To briefly remind the Committee, SB 89 has a simple goal of better aligning Maryland's obligation under the federal law CAPTA (Child Abuse Prevention and Treatment Act) to release, upon request, information publicly from the Department of Human Services (DHS) and/or a local department of social services (hereinafter referred to as "social services") when a child suffers a fatality or near-fatality.

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 social services 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 when a child that the state has intervened to protect has died or nearly died.

Under SB 89, both social services 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.