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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony in Support of SB 447

Child Abuse and Neglect – Disclosure of Reports and Records

Madam Chair, Madam Vice Chair, and Members of the House Judiciary Committee:

SB 447 as-amended addresses a narrow but serious gap in Maryland law related to the protection of children across the State and in the full range of settings in which they learn, play, and receive care. We are proposing a friendly amendment from DHS that enables the Department to continue to comply with federal statute. The amendment conforms SB 447 and HB 1326 into identical postures.

Under current law, the Department of Human Services is authorized to disclose an indicated finding of child abuse or neglect to public school systems and nonpublic schools so that appropriate personnel or administrative action can be taken. However, children throughout Maryland do not spend their time exclusively in school settings. They also participate in child care programs, youth sports leagues, recreational programs, and other organizations where adults exercise care, custody, or control over children.

SB 447 expands the circumstances under which the Department of Human Services may disclose an indicated finding of child abuse or neglect to include other organizations with the care and custody of children, so that those entities may take appropriate action to protect the children they serve anywhere in the State.

This bill was introduced at the request of Anne Arundel County Public Schools, based on real-world incidents identified by Sarah Kivett, Director of Investigation and Compliance, who developed this proposal after encountering repeated situations where existing law limited the ability to protect children outside of school settings. While those incidents occurred in Anne Arundel County, the legal gap they exposed exists statewide.

Background

Anne Arundel County Public Schools has experienced several incidents in which DHS made an indicated finding of child abuse or neglect involving an employee or volunteer. In each case, AACPS took immediate and appropriate action to remove the individual from the school environment.

Despite those actions, the same individual was able to continue having contact with children through other organizations—such as child care programs, youth sports leagues, or similar activities—because current law did not permit DHS to disclose the indicated finding to those organizations.

These circumstances are not unique to one school system or one county. Similar gaps can arise anywhere in Maryland where children are served by multiple organizations that operate independently of one another.

Existing Law

Current Maryland law permits DHS to disclose reports or records concerning child abuse or neglect to school officials and certain specified entities for purposes of carrying out personnel or administrative actions. The law does not permit disclosure to other organizations that provide adult supervision, care, or control of children, even when disclosure would be necessary to protect children from further harm.

What SB 447 Does

SB 447 expands existing disclosure authority to allow DHS to share an indicated finding of child abuse or neglect with administrators or appropriate personnel of organizations that have the care and custody of children throughout Maryland.

The bill:

- Applies statewide and is not limited to any single jurisdiction;
- Allows disclosure only when DHS has made an indicated finding;
- Does not change the standards for making such a finding;
- Does not mandate disclosure in every case; and
- Does not weaken confidentiality protections.

Support

SB 447 is supported by Anne Arundel County Public Schools and Anne Arundel County Government, including the County Executive's Office. These supporters emphasize that while the bill was requested based on specific incidents, the solution it provides is appropriately statewide in scope.

Closing

SB 447 is a targeted, common-sense update that reflects the reality of children's lives across Maryland. It closes a dangerous gap in current law and helps ensure that children are protected not only in schools, but in every setting where adults are entrusted with their care.

For these reasons, I respectfully request a favorable report on SB 447.