

Department of Legislative Services  
Maryland General Assembly  
2014 Session

FISCAL AND POLICY NOTE

House Bill 1389  
Judiciary

(Delegate McComas)

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Task Force on the Prevention of Child Abuse and Neglect

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This bill establishes the Task Force on the Prevention of Child Abuse and Neglect. The Governor must designate the chair of the task force, which is to be staffed by the Governor's Office of Crime Control and Prevention (GOCCP) with assistance from the State Council on Child Abuse and Neglect (SCCAN). The task force must report its findings and recommendations to the Governor and the General Assembly by December 1, 2014.

The bill takes effect June 1, 2014, and terminates June 30, 2015.

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Fiscal Summary

**State Effect:** Any expense reimbursements for task force members and staffing costs for GOCCP and SCCAN are assumed to be minimal and absorbable within existing budgeted resources.

**Local Effect:** None.

**Small Business Effect:** None.

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Analysis

**Bill Summary:** The task force must hold hearings throughout the State and receive testimony from individuals, State and local agencies, community-based organizations, and other public and private organizations. Representatives from interested stakeholder groups, including child abuse survivors, caseworkers, mental health professionals, foster care providers, and representatives of religious organizations must be invited to testify at

the public meetings. The task force must study child abuse and neglect throughout the State and best practices throughout the United States regarding laws and systems designed to protect children and prevent child abuse and neglect.

The task force is required to make recommendations regarding (1) goals for State policies to prevent child abuse and neglect; (2) whether changes to the State's child abuse and neglect laws should be made, including whether criminal penalties should be established for the intentional failure to report child abuse or neglect; (3) methods for improving systems for reporting child abuse and neglect; (4) methods to foster excellence among multidisciplinary teams investigating child abuse and neglect and cooperation among State agencies and between State and local governments that handle such cases; (5) methods for improving access to medical care and mental health services and treatment; (6) methods for increasing public awareness; (7) methods for increasing funding to prevent and address childhood trauma; (8) methods for improving the training of professionals who are required to report child abuse and neglect; and (9) methods to adopt and implement policy addressing the prevention of child abuse that may include age-appropriate curricula for students in pre-kindergarten through fifth grade.

Task force members may not receive compensation but are entitled to reimbursement for expenses under the standard State travel regulations, as provided in the State budget.

**Current Law:** Health care practitioners, police officers, educators, and human service workers who are acting in a professional capacity, and who have reason to believe that a child has been subjected to abuse or neglect, must notify the local department of social services or the appropriate law enforcement agency. An "educator or human service worker" includes any teacher, counselor, social worker, caseworker, and parole or probation officer. If the worker is acting as a staff member of a hospital, public health agency, child care institution, juvenile detention center, school, or similar institution, then the individual must also notify the head of the institution or the designee of the head.

In general, a person other than a health care practitioner, police officer, educator, or human service worker who has reason to believe that a child has been subjected to abuse or neglect must notify the local department of social services or the appropriate law enforcement agency. Attorneys and clergy are generally exempt from reporting if they become aware of suspected abuse or neglect through privileged communications, as specified in statute. Individuals (other than those who are required to report because of their professional capacity) who in good faith make or participate in making a report of abuse or neglect or participate in an investigation or resulting judicial proceeding are immune from civil liability or criminal penalties.

State law does not criminalize the failure to report suspected abuse or neglect. The licensing boards for some workers who are mandated to report child abuse and neglect (nurses, doctors, and social workers are examples) are authorized to impose sanctions on licensees for failing to report.

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### **Additional Information**

**Prior Introductions:** HB 1186 of 2013, a substantially similar bill, passed the House and received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken.

**Cross File:** None.

**Information Source(s):** Governor's Office of Crime Control and Prevention, Department of Health and Mental Hygiene, Department of Legislative Services

**Fiscal Note History:** First Reader - March 10, 2014  
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