

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 764
Judiciary

(Delegate Valentino-Smith, *et al.*)

Judicial Proceedings

Department of Human Services - Missing Children in Out-of-Home Placements -
Reporting

This bill requires the Department of Human Services (DHS) or the appropriate local department of social services (LDSS) to submit a specified report to the local law enforcement agency immediately after a discovery that a child in an out-of-home placement is missing. DHS or the appropriate LDSS must keep a record of the report number provided by the local law enforcement agency for each report submitted under the bill. DHS may adopt regulations to implement the bill.

Fiscal Summary

State Effect: The bill's requirements can be handled with existing budgeted resources. Revenues are not affected.

Local Effect: LDSS and local law enforcement agencies can implement the bill's requirements with existing budgeted resources. Revenues are not affected.

Small Business Effect: Minimal.

Analysis

Bill Summary: The report must contain any information DHS or the LDSS has or reasonably could obtain that would assist in locating the child, including (1) the child's name and birthdate; (2) a photograph of the child; (3) identifying physical characteristics of the child; (4) the last known location of the child; (5) the amount of time the child has been missing; (6) the name and contact information of the individual making the report and their relationship to the missing child; (7) the name and contact information of the DHS

employee (or their designee) who should be contacted when the missing child is located; and (8) the address of the child.

Current Law: DHS, through its Social Services Administration, has the primary responsibility for child welfare services throughout the State, which are provided primarily by the LDSS. These services support the healthy development of families, assist families and children in need, and protect abused and neglected children. Programs include foster care, family preservation, adoption, child protective services, and family reunification.

Pursuant to the Family Law Article, an out-of-home placement may include the placement of a child into foster care, kinship care, group care, or residential treatment care.

DHS is required to establish a program of out-of-home placement for minor children (1) who are placed in the custody of a LDSS, for a period of up to 180 days, by a parent or legal guardian under a voluntary placement agreement; (2) who are abused, abandoned, neglected, or dependent, if a juvenile court has determined that continued residence in the child's home is contrary to the child's welfare and has committed the child to the custody or guardianship of a LDSS; or (3) who, with the approval of DHS, are placed in an out-of-home placement by a LDSS under a voluntary placement agreement regarding a child with a developmental disability or a mental illness, as specified.

Missing Person Procedures

A law enforcement agency may not establish a mandatory waiting period before taking a missing person report. A law enforcement agency must, without delay, accept a report of a missing person provided in person, and may accept a report of a missing person by phone or other electronic means. A "missing person" is defined under § 3-604 of the Public Safety Article as an individual (1) whose whereabouts are unknown; (2) who suffers a cognitive impairment including a diagnosis of Alzheimer's disease or dementia to the extent that the individual requires assistance from a caregiver; and (3) whose disappearance poses a credible threat to the health and safety of the individual due to age, health, mental or physical disability, environment, or weather conditions, as determined by a law enforcement agency.

A law enforcement agency must enter all necessary and available information into the National Crime Information Center (NCIC) network within two hours after receipt of the information needed to make the entry.

After receiving a report regarding a missing child, a law enforcement agency must immediately determine if (1) the missing child has not been the subject of a prior missing person report; (2) the missing child suffers from a mental or physical handicap or illness; (3) the disappearance of the missing child is of a suspicious or dangerous nature; (4) the

person filing the report of a missing child has reason to believe that the missing child may have been abducted; (5) the missing child has ever previously been the subject of a child abuse report filed with the State or local law enforcement agency; or (6) the missing child is younger than age 17.

If the law enforcement agency concludes that any one of the specified conditions exists, the agency must immediately:

- enter all necessary and available information into NCIC within two hours after receipt of information necessary to make the entry;
- institute appropriate intensive search procedures, including the coordination of volunteer search teams;
- notify the National Center for Missing and Exploited Children;
- notify the appropriate local department and, to the extent possible, obtain any information that may assist in the locating of the missing child; and
- enlist the aid of the Maryland State Police (MSP), when appropriate, in locating the missing child.

If the conditions specified do not exist, the law enforcement agency must (1) immediately seek to determine the circumstances surrounding the disappearance of the missing child and (2) if the missing child has not been located, implement the required procedures within 12 hours of the filing of a report regarding a missing child.

Generally, if a missing child has not been located within 24 hours of the filing of a missing person report and either the local law enforcement agency or MSP have reason to believe that the missing child may be located in a jurisdiction other than the jurisdiction where the missing person report was filed, MSP must enter the investigation and, in cooperation with the appropriate local law enforcement agencies, assist State and national efforts to locate the missing child.

Every person filing a report of a missing child must notify the local law enforcement agency and MSP immediately after locating the missing child if it is unlikely that the local law enforcement agency or MSP have knowledge that the missing child has been located.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Harford and Montgomery counties; City of College Park; Department of Human Services; Department of Legislative Services

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Analysis by: Amberly Holcomb

Direct Inquiries to:
(410) 946-5510
(301) 970-5510