

Department of Legislative Services  
Maryland General Assembly  
2022 Session

FISCAL AND POLICY NOTE  
Third Reader

Senate Bill 214

(Chair, Judicial Proceedings Committee)(By Request -  
Departmental - Human Services)

Judicial Proceedings

Judiciary

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Child Abuse and Neglect - Disclosure of Reports and Records

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This departmental bill authorizes the disclosure of a report or record concerning child abuse or neglect to specified school personnel following a report of suspected child *neglect* committed by specified individuals. A report or record concerning child abuse or neglect may be disclosed on request to the director of a licensed child placement agency following a report of suspected child abuse or neglect alleged to have been committed by a household member, a family member, or any person who has responsibility for supervision of a child in a home that is approved by that agency for the placement of children. The bill also removes the requirement that (1) a report of suspected child abuse committed by an employee, independent contractor, or employee of an independent contractor of a school involve a student and (2) a report of suspected child abuse or neglect alleged to have been committed by an employee of a licensed child care facility or child placement agency involve a child who is currently or was previously under the care of that facility or agency.

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Fiscal Summary

**State Effect:** The bill is not anticipated to materially affect State operations or finances.

**Local Effect:** None.

**Small Business Effect:** A small business impact statement was not provided by the Department of Human Services (DHS) in time for inclusion in this fiscal and policy note. A revised fiscal and policy note will be issued when the department's assessment becomes available.

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## Analysis

**Current Law:** Under the Criminal Law Article, “neglect” of a minor means the intentional failure to provide necessary assistance and resources for the physical needs or mental health of a minor that creates a substantial risk of harm to the minor’s physical health or a substantial risk of mental injury to the minor. Neglect does not include the failure to provide necessary assistance or resources when the failure is due solely to a lack of financial resources or homelessness. A person who has permanent or temporary care or responsibility for the supervision of a minor may not neglect the minor.

All records and reports about child abuse and neglect are confidential; however, such records must be disclosed pursuant to an order of the court or in other specified circumstances. A report or record concerning child abuse or neglect may be disclosed on request to individuals or entities as specified in statute to carry out their official functions. Unauthorized disclosure of child abuse or neglect records is a misdemeanor subject to up to 90 days imprisonment and/or a fine of up to \$500.

### *Disclosure to Schools*

Under § 1-202(c) of the Human Services Article, a report or record concerning child abuse or neglect may be disclosed on request to the appropriate public school superintendent, principal, or equivalent employee of a nonpublic school to carry out appropriate personnel or administrative actions following a report of suspected child abuse involving a student committed by an employee, independent contractor, or employee of an independent contractor, as specified.

### *Disclosure to Licensed Child Care Facilities or Licensed Child Placement Agencies*

A report or record concerning child abuse or neglect may also be disclosed on request to the director of a licensed child care facility or licensed child placement agency following a report of suspected child abuse or neglect alleged to have been committed by an employee of the facility or agency and involving a child who is currently or was previously under the care of that facility or agency. A report or record concerning child abuse or neglect involving household members (such as backup babysitters or frequent household members) cannot be disclosed.

**Background:** According to the U.S. Department of Health and Human Services Administration for Children and Families’ [Child Maltreatment 2019](#) report, of 8,175 total child maltreatment cases in Maryland, 4,689 cases (57.4%) were neglect. Nationally, of the children who died as a result of their maltreatment, 72.9% were the result of neglect.

DHS advises that the inability to disclose a report or record of child abuse or neglect involving other household members to a licensed child placement agency poses a risk to the safety and well-being of children placed in foster homes. The bill authorizes the disclosure of such information and is intended to allow any placements to be suspended until a full investigation is concluded.

The bill also allows DHS to share information about reports of suspected neglect with schools and to share reports of child abuse or neglect (1) with a school, even if the report involves a child who is not a student and (2) with a licensed child care facility or licensed child placement agency, even if the report involves a child who is not or was never under the care of that facility or agency.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Maryland State Department of Education; Department of Human Services; Prince George's County Public Schools; Department of Legislative Services

**Fiscal Note History:** First Reader - January 11, 2022  
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