

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1246
Judiciary

(Delegate McComas, *et al.*)

Child Abuse and Neglect – Reports and Records – Disclosure (Anderson’s Law)

This bill establishes that, notwithstanding any other provision of law, a report or record of child abuse or neglect is not confidential and must be subject to existing statutory provisions that govern required disclosures if the report or record pertains to a child who (1) suffered a fatality or near fatality; (2) was in the custody of a State department or agency or in the care of a foster parent at the time of the fatality/near fatality; and (3) is the subject of an investigation, a report, a referral, or a complaint received by a local department of social services. On the release of a report or record under these circumstances, the bill authorizes the local director of a department of social services or the Secretary of Human Services to comment publicly on the report or record.

Fiscal Summary

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

Local Effect: The bill is not anticipated to materially affect local finances or operations.

Small Business Effect: None.

Analysis

Current Law: Generally, reports and records concerning child abuse and neglect are confidential and may not be disclosed unless permitted by one of a number of statutory exceptions. However, the director of a local department of social services or the Secretary of Human Services must, on request, disclose information concerning child abuse or neglect if (1) the information is limited to actions or omissions of the local department, the

Department of Human Services (DHS), or an agent of DHS; (2) the child named in a report has suffered a fatality or near fatality; and (3) the local director or the Secretary has consulted the State's Attorney's office, and the office has advised that disclosure of the information would not jeopardize or prejudice a related investigation or prosecution. In addition to consulting with the State's Attorney's office, the Secretary of DHS and a local director must consult one another.

Section 1-203(d) of the Human Services Article requires a local director or the Secretary to disclose specified information, including:

- the name of the allegedly abused or neglected child who has suffered a fatality;
- the date of the report of the alleged child abuse or neglect and of any prior or subsequent reports;
- the findings made by the local department at the conclusion of its investigation and the related disposition based on the findings;
- any services provided to (or referrals for professional services for) the alleged abuser or neglecter, the allegedly abused or neglected child, and household or family members;
- any prior adjudication as a child in need of assistance of the allegedly abused or neglected child, a sibling of the child, or another child in the household, family, or care of the alleged abuser/neglector;
- the status of any case involving the child that was open at the time of the fatality or near fatality;
- a summary of the facts of the fatality or near fatality, including the date of the fatality or near fatality, and in the case of a fatality, the cause of death reported by the medical examiner; and
- any information concerning the circumstances of the alleged child abuse or neglect and the investigation of the circumstances, if the local director or the Secretary determines that the disclosure is consistent with the public interest.

The local director and the Secretary are prohibited from disclosing certain information, including the identity of an individual who made a report, the name of a child who has suffered a near fatality, the names of other family members of the allegedly abused or neglected child, and medical reports other than those related to the cause of the child's injury or death as a result of the alleged abuse or neglect.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Montgomery County; Judiciary (Administrative Office of the Courts); Department of Legislative Services

Fiscal Note History: First Reader - March 1, 2022
fnu2/lgc

Analysis by: Jennifer K. Botts

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