

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 710

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

Judicial Proceedings

Judiciary

Child Abuse and Neglect - Disclosure of Reports and Records

This departmental bill expands the circumstances under which a report or record concerning child abuse or neglect may be disclosed to specified school personnel or to a director of a licensed child care facility or licensed child placement agency. The bill authorizes the disclosure of a report or record concerning child abuse or neglect to specified school personnel following a report of suspected child abuse *or 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*.

Fiscal Summary

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

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

Small Business Effect: The Department of Human Services (DHS) has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Current Law:

Confidentiality of Records – Generally

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) is not eligible for disclosure (as such individuals are not employees of the facility or agency).

Background: According to the U.S. Department of Health and Human Services Administration for Children and Families' [report](#), over half of the total child maltreatment cases in Maryland during federal fiscal 2021 were for neglect. Nationally, of the children who died as a result of their maltreatment, 77.7% suffered neglect (either exclusively or in combination with another maltreatment type).

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. DHS notes the importance of school administrators being able to take appropriate personnel action under circumstances regarding child neglect allegations. Similarly, school administrators may need to receive information regarding certain reports of child abuse or neglect of a child who is not currently enrolled as a student in that school system for the purpose of taking appropriate personnel action.

Additional Information

Prior Introductions: Similar legislation has been introduced within the last three years. See SB 214 of 2022.

Designated Cross File: None.

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

Fiscal Note History: First Reader - February 20, 2023
km/jkb Third Reader - March 20, 2023

Analysis by: Joanne E. Tetlow

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

ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Child Abuse and Neglect – Disclosure of Reports and Records

BILL NUMBER: SB 710

PREPARED BY: Department of Human Services

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL
BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL
BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS