

**Department of Legislative Services**  
Maryland General Assembly  
2005 Session

**FISCAL AND POLICY NOTE**

Senate Bill 27

(Senators Mooney and Stone)

Judicial Proceedings

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**Family Law - Child Abuse and Neglect Investigations - Rights of Alleged Abuser  
or Neglector**

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This bill requires that at the first telephone or face-to-face contact with an individual who is alleged to have abused or neglected a child, the local department of social services must advise the individual of the specific complaints or allegations. This must be done in a manner that is consistent with federal and State laws that protect the rights of the person who made the report of suspected abuse or neglect.

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**Fiscal Summary**

**State Effect:** The bill's requirements could be met with existing resources.

**Local Effect:** The bill's requirements could be met with existing resources.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Promptly after receiving a report that a child in this State may have been a victim of suspected abuse or neglect that occurred in this State, for a report of suspected abuse, the appropriate agency must make a thorough investigation of that report to protect the health, safety, and welfare of the child or children. For a report of suspected abuse, the local department or appropriate law enforcement agency, or both, must investigate; for a suspected neglect report, the local department must investigate.

Within 24 hours after receiving a report of suspected physical or sexual abuse of a child or within five days after receiving a report of suspected neglect or mental injury of a child in this State that is alleged to have occurred in this State, the local department or appropriate law enforcement agency must:

- see the child;
- attempt to have an on-site interview with the child's caretaker;
- decide on the safety of the child, wherever the child is, and the safety of other children in the household; and
- decide on the safety of other children in the care or custody of the alleged abuser.

The local department, the appropriate law enforcement agency, the State's Attorney in each county and Baltimore City, the Department of Human Resources (DHR) office for child care regulation and the local health officer must enter into a written agreement that specifies standard operating procedures for investigations of abuse and neglect.

**Background:** The federal Child Abuse Prevention and Treatment Act (CAPTA) was enacted in 1974 and reauthorized in 2003. CAPTA provides federal funding to states to support the prevention, assessment, investigation, prosecution, and treatment of child abuse and neglect. One of the requirements for continued federal funding is that states develop procedures for a child protective services agency representative, at the time of initial contact with an individual subject to a child abuse or neglect investigation, to advise the individual of the complaints or allegations made against the individual.

**State and Local Fiscal Effect:** DHR reports that the bill will have no fiscal impact as the bill requires local departments only to advise those individuals accused of suspected child abuse or neglect in a certain manner, within a certain time frame. Local departments of social services in Anne Arundel, Dorchester, Garrett, Montgomery, and Prince George's counties report that the bill would have no fiscal impact.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Montgomery County, Prince George's County, Garrett County, Dorchester County, Department of Human Resources, Baltimore County, Anne Arundel County, National Clearinghouse on Child Abuse and Neglect, Department of Legislative Services

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mam/jr

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