

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 1326
Judiciary

(Delegate Wilson, *et al.*)

Judicial Proceedings

Child Abuse and Neglect - Disclosure of Reports and Records

This bill authorizes the Department of Human Services (DHS) to disclose a report or record concerning child abuse or neglect to (1) the administrator of a child care center operated by or on behalf of a unit of State or local government or in a State-occupied building, as specified; (2) the coach, team administrator, or manager of a youth sports program for recreational athletic competition or instruction for participants who are minors; and (3) the administrator or other appropriate personnel of any organization that has temporary care or custody of a child or responsibility for the supervision of a child. The disclosures must be for the purpose of determining the suitability of an individual for employment or voluntary service with the applicable entity.

Fiscal Summary

State Effect: State expenditures *may* increase, at least minimally, for DHS to handle an increased volume of report disclosures, as discussed below. Revenues are not affected.

Local Effect: The bill does not materially affect local government operations or finances.

Small Business Effect: Minimal.

Analysis

Current Law: Generally, under provisions in § 1-202 of the Human Services Article, all records and reports about child abuse and neglect are confidential; however, records of child abuse or neglect must be disclosed pursuant to an order of the court or in other specified circumstances. Child abuse and neglect records may be disclosed on request to individuals or entities under circumstances specified in statute, including to local or State

officials responsible for the administration of child protective services (CPS), juvenile services, child care, or foster care, as necessary to carry out their official functions.

DHS is also permitted to disclose a report or record concerning child abuse or neglect to the operator of a child care center that is required to be licensed or to hold a letter of compliance or to a family child care provider who is required to be registered, as specified, to determine the suitability of an individual for employment in the child care center or family child care home.

Unauthorized disclosure of child abuse or neglect records is a misdemeanor and is subject to up to 90 days imprisonment and/or a fine of up to \$500.

Child Abuse or Neglect Centralized Confidential Database – Generally

Under § 5-714 of the Family Law Article (unaffected by the bill), the Social Services Administration (SSA) within DHS maintains a centralized confidential database of cases of reported child abuse or neglect, accessible by each local department of social services. Information in the centralized confidential database must be accessible only to the CPS staff of SSA or local departments who are investigating or assessing a report of suspected abuse and an individual or entity specifically authorized by law to access the information.

DHS or a local department may identify an individual as responsible for abuse or neglect in the centralized confidential database only if the individual (1) has been found guilty of any criminal charge arising out of the alleged abuse or neglect or (2) has been found responsible for indicated abuse or neglect and has unsuccessfully appealed the finding or failed to exercise the individual's appeal rights within the allotted time period, as specified in statute. The centralized confidential database may not contain any information that is required to be expunged under statute.

Unless an individual has been identified as responsible for abuse or neglect in the centralized confidential database in accordance with statute, information in the centralized confidential database may not be provided in response to any request for background information for employment or voluntary service. Notwithstanding any other provision of law, an individual may not be identified as responsible for abuse or neglect in the database solely because (1) a child has been released from a hospital or other facility; (2) the child has been diagnosed with a mental disorder or developmental disability; and (3) the individual has failed to take the child home due to a reasonable fear for the safety of the child or child's family.

State Expenditures: DHS advises it requires six additional full-time staff (five program administrators and one supervisor) to promptly respond to requests for reports and records of child abuse and neglect, with general fund expenditures therefore increasing by

\$467,278 in fiscal 2027, and by approximately \$580,000 annually thereafter. DHS bases its estimate on the anticipation of receiving an increase in requests due to the expanded eligibility of recipients under the bill; however, it did not provide details on the estimated number of additional requests that was used to formulate its staffing estimate. DHS also recommends centralizing disclosure of these reports in SSA's central office, rather than through the local departments of social services and CPS investigators who currently handle disclosures/releases in accordance with statute.

The Department of Legislative Services (DLS), while acknowledging that the bill expands eligible recipients of certain child abuse and neglect reports/records and may therefore result in additional requests for disclosures, is unable to independently verify the need for additional staff at the magnitude indicated by DHS without experience under the bill. According to DHS, although current administrative practice for disclosures is informal, implementation of the bill may necessitate a change in how such disclosures have historically been handled. However, regardless of any changes in procedures, the need for additional staff is primarily dependent on whether the bill results in a significant number of additional requests, which cannot be reliably estimated in advance. *For illustrative purposes only*, the costs associated with one additional program specialist are approximately \$67,800 in fiscal 2027, and \$83,800 on an annual basis.

Additional Comments: The bill as written intends to make a corrective change, listing the Juvenile Justice Monitoring Unit as part of the Correctional Ombudsman. However, DLS assumes the corrective reference to statute is intended to reference Title 9, Subtitle 40 (Office of the Correctional Ombudsman), rather than Subtitle 4 (Subtitle 4 formerly related to the Commission on the Capital City but has been repealed).

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 950 of 2025.

Designated Cross File: SB 447 (Senator Gile) - Judicial Proceedings.

Information Source(s): Baltimore City; Harford and Montgomery counties; Office of the Correctional Ombudsman; Maryland State Department of Education; Department of Human Services; Department of Legislative Services

Fiscal Note History:
jg/jkb

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Analysis by: Amanda L. Douglas

Direct Inquiries to:

(410) 946-5510

(301) 970-5510