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TO: The Honorable Joseph F. Vallario, Jr., Chairman
Members, House Judiciary Committee
The Honorable Kathleen Dumais

FROM: Joseph A. Schwartz, III
Pamela Metz Kasemeyer
J. Steven Wise

DATE: February 21, 2013

RE: **OPPOSE** – House Bill 876 – *Child Abuse – Failure to Report – Civil Penalty, Fund, and Task Force*

On behalf of MedChi, the Maryland State Medical Society (MedChi) and the Maryland Chapter of the American Academy of Pediatrics (MDAAP), we oppose House Bill 876.

House Bill 876 authorizes the Attorney General to institute a civil action against a person mandated to report abuse and neglect who fails to report abuse or neglect of a child in the limited circumstances of a direct communication of abuse by an abused child, or if the person observed the abuse or neglect. A civil penalty of up to \$100,000 may be recovered for each violation and would be deposited in a Child Abuse Prevention Fund established under the bill to be administered by the Governor's Office of Crime Control and Prevention (GOCCP). The bill also establishes the Task Force to Study Training for School Employees and Volunteers on the Prevention, Identification, and Reporting of Child Sexual Abuse.

Both MDAAP and MedChi find many of the provisions of this bill to be responsive to the concerns raised in previous sessions relative to legislative proposals that sought to criminalize failure to report while not addressing other dysfunctional aspects of our current child abuse and neglect reporting, investigation and response programs. The use of civil instead of criminal penalties is notable as is the creation of the Child Abuse and Prevention Fund. MDAAP and MedChi support the identification of a funding source to expand and enhance prevention and education initiatives relative to child abuse and neglect identification, reporting and intervention. Similarly, the proposed Task Force provides a structure to address a subset of the more comprehensive issues regarding child abuse and neglect prevention, identification and reporting that have been raised in response to other legislative proposals.

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Unfortunately, MDAAP and MedChi's opposition to the legislation arises due to the limited circumstances in which the defined penalties would attach and the need for a more comprehensive task force to address issues beyond those relevant to school employees and volunteers. It is essential that to appropriately address the issues relevant to child abuse and neglect reporting and intervention that the state must craft a comprehensive regulatory framework that encompasses reporting requirements, penalties for failure to report in appropriately defined circumstances, and a comprehensive and appropriately structured program for response and intervention when reports are made. House Bill 876 provides a framework for that approach but it is not sufficiently comprehensive to accomplish these objectives. MedChi and MDAAP request an unfavorable report and urge the creation of a Task Force charged with more comprehensive objectives.

For more information call:

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