

Department of Legislative Services
Maryland General Assembly
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FISCAL AND POLICY NOTE

House Bill 741
Judiciary

(Delegate Sophocleus, *et al.*)

Judicial Proceedings

Family Law - Local Domestic Violence Fatality Review Teams

This bill authorizes a county to establish a “local domestic violence fatality review team” to investigate the causes of serious physical injury or death that result from domestic violence and to make recommendations for comprehensive improvement in agency and organizational responses to victims of domestic violence. The bill establishes immunity for team participants, specifies confidentiality and disclosure provisions, and establishes penalties for violation of disclosure and confidentiality provisions.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill’s applicable penalty provisions.

Local Effect: Potential increase in expenditures due to the bill’s applicable penalty provisions.

Small Business Effect: None.

Analysis

Bill Summary: This bill authorizes a county to establish a local domestic violence fatality review team consisting of different agencies and disciplines. The State’s Attorney, the head of the primary law enforcement agency, or the director of the domestic violence program in a county may organize a local team. A person who acts in good faith and within the jurisdiction of a local team is immune from civil liability for acting as a member of, giving information to, participating in, or contributing to the function of a local domestic violence fatality review team. “Domestic violence” is abuse occurring

between current or former spouses or cohabitants, persons who have a child in common, or persons currently or formerly involved in a dating relationship.

The members of a local team must be drawn from the persons, agencies, areas of expertise, and organizations enumerated in the bill.

The purpose of a local team is to prevent domestic violence deaths by (1) promoting cooperation and coordination among agencies involved in (i) investigating these deaths; or (ii) providing services to domestic violence victims or surviving family members; (2) developing an understanding of the causes and incidences of deaths related to domestic violence in the county; and (3) developing plans and recommendations for changes within the agencies represented on the team.

The bill requires a local team to establish a protocol, review fatalities and cases of serious physical injury from domestic violence that have occurred in the county, and meet regularly to review the status of cases and recommend actions to improve agency coordination and prevent domestic violence deaths. The local team is required to provide reports that include recommendations for improved service and investigational coordination, to implement changes within team member agencies, and recommend changes to State and local law, policy, and practice.

Local teams may review criminal cases only at the conclusion of a trial or after the closure of a suicide investigation. Local teams must be immediately provided with medical, dental, and other information, as specified, on the request of the local team chair and as necessary to carry out the team's purpose.

When the local team is discussing individual cases, the meetings must be closed to the public. Otherwise, the meetings of a local team must be open to the public. However, the local team may not disclose information related to the identity of a deceased person, a family member, or an alleged or suspected perpetrator. In addition, the involvement of any agency or organization or other person with a deceased person or the person's family may not be disclosed during a public meeting. A violation of these disclosure provisions is a misdemeanor and is punishable by up to 90 days imprisonment and/or a fine of up to \$500.

Except for statistical compilations or reports that do not contain identifying information, which are public records, the information and records acquired by a local team are confidential, are exempt from disclosure provisions, and may only be disclosed as necessary to carry out the purposes of the local team. Members of a local team may not disclose what transpired at a closed meeting or any other information that is prohibited from disclosure. Members of a local team, meeting attendees, and persons who present information to a local team may not be questioned in any civil or criminal proceeding

regarding information presented or opinions formed at a meeting. However, a person may testify about public information or information obtained independently of the local team. Information, documents, and records of a local team are not subject to subpoena, discovery, or introduction into evidence in any civil or criminal proceeding, unless they are otherwise available from other sources. A violation of these disclosure provisions is a misdemeanor and is punishable by up to 90 days imprisonment and/or a fine up to \$500.

Health care providers are required to disclose medical records without the authorization of a person in interest to a local team as necessary for the team to carry out official functions.

Current Law: State law does not specifically authorize counties to develop multi-disciplinary, multi-agency teams to address injuries or fatalities caused by domestic violence.

A “person eligible for relief” under domestic violence provisions includes:

- the current or former spouse of a respondent to a protective order;
- a person related to the respondent by blood, marriage, or adoption;
- a parent, stepparent, child, or stepchild of the respondent;
- a person who has resided with the respondent or person eligible for relief for at least 90 days within one year of the filing for a petition for a protective order;
- a vulnerable adult; or
- an individual who has a child in common with the respondent.

The Secretary of Human Resources is required to establish a program to help domestic violence victims and their children. The purpose of the program is to provide victims and their children temporary shelter or help in finding shelter, counseling, information, referrals, and rehabilitation. There must be at least one program serving a major population center. As funds become available, the Secretary may establish additional shelters or provide funds or technical assistance to organizations or agencies that are able to run domestic violence programs.

A health care provider must disclose a medical record without the authorization of a person in interest to the Maryland Insurance Administration when conducting an investigation or examination, or to a State or local child fatality review team.

Background: The Maryland Network Against Domestic Violence has set up a domestic violence fatality review team that is fully operational in Anne Arundel County and recently set up a new team in Calvert County.

By contracting with private nonprofit organizations, the Department of Human Resources operates 20 domestic violence programs throughout the State. Most counties have one program but Baltimore County has three programs and two programs cover seven Eastern Shore counties. The fiscal 2005 appropriation is \$3.2 million, consisting of \$1.6 million in general funds and \$1.6 million in federal funds. During fiscal 2004, 4,306 domestic violence cases were opened in the circuit courts and 4,210 cases were closed. In the District Court, 22,934 domestic violence cases were opened and 21,304 cases were closed during the same period.

According to the 2003 *Maryland Uniform Crime Report*, 17,860 domestic violence crimes occurred statewide, excluding incidences in Baltimore City, which did not report crime statistics to the State Police. Fifteen murders occurred as a result of domestic violence and 16,699 assaults occurred. Of the assaults, 3,733 were classified as aggravated assaults. Firearms were used in 177 of the aggravated assaults, knives were used in 763 of these crimes, and other types of weapons were used in 1,412 of these incidents.

Local Expenditures: Because the bill authorizes, but does not mandate the creation of domestic violence fatality review teams, it is expected that counties that choose to do so would be able to implement the teams with existing resources.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Montgomery County, Prince George's County, Caroline County, Calvert County, Howard County, Department of Human Resources, Judiciary (Administrative Office of the Courts), Department of State Police, Department of Health and Mental Hygiene, Baltimore City, Department of Public Safety and Correctional Services, Department of Legislative Services

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