

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE
Revised

House Bill 1328

(Delegate Montague)

Judiciary

Judicial Proceedings

Child Abuse and Neglect - Central Registry - Exception

This bill prohibits local departments of social services from including specified local department case files in the Department of Human Resources' (DHR) central database of child abuse and neglect investigations until certain events occur.

Fiscal Summary

State Effect: None. The change is procedural in nature and would not directly affect governmental finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: A central registry of local department of social services child abuse and neglect investigations cases may not include information from the case files, except for specific authorized identifying information, until any individual found responsible for indicated or unsubstantiated child abuse or neglect has: (1) been found guilty of any criminal charge arising from the alleged abuse and neglect; (2) unsuccessfully appealed the finding; or (3) failed to exercise the appeal rights within the time specified.

A local department case file means the part of DHR's confidential database that contains information about child abuse and neglect investigations to which access is limited to the local department staff responsible for the investigation.

Current Law: The registry is any component of DHR's confidential computerized database that contains information regarding child abuse and neglect investigations. The local departments of social services throughout the State provide information for the registry.

The central registry may contain identifying information related to an investigation of abuse or neglect. Identifying information means the name of the child alleged to have been abused or neglected, a member of the child's household, a parent or legal guardian of the child, or an individual suspected of being responsible for abuse or neglect of the child.

A central registry may not contain identifying information related to an investigation of abuse or neglect if abuse or neglect has been ruled out or the abuse or neglect finding has been expunged.

DHR or a local department of social services may identify an individual as responsible for abuse or neglect in a central registry only if the individual has been found guilty of any criminal charge arising out of the alleged abuse or neglect or has been found responsible for the indicated abuse or neglect and has unsuccessfully appealed the finding or failed to exercise the individual's appeal rights within the time allotted.

The individual found responsible for the child abuse or neglect may request a contested case hearing to appeal the finding by responding to the local department of social services' notice in writing within 60 days. Unless the individual and the department agree on another location, a contested case hearing must be held in the jurisdiction in which the individual alleged to have abused or neglected a child resides. If a criminal proceeding is pending on charges arising out of the alleged abuse or neglect, the Office of Administrative Hearings (OAH) must stay the hearing until a final disposition is made. If the individual requesting the hearing is found guilty of any criminal charge arising out of the alleged abuse or neglect, OAH must dismiss the administrative appeal.

Additional Information

Prior Introductions: None.

Cross File: SB 863 (Senator Baker) – Judicial Proceedings.

Information Source(s): Department of Human Resources, Judiciary (Administrative Office of the Courts), Department of Legislative Services

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