

SENATE BILL 892

D4, E4, O4

0lr3194
CF 0lr2977

By: **Senator Kelley**

Introduced and read first time: February 15, 2010

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Child Abuse and Neglect – Reports and Records – Disclosure to Division of**
3 **Parole and Probation**

4 FOR the purpose of requiring the disclosure of a report or record of child abuse or
5 neglect to the Division of Parole and Probation in the Department of Public
6 Safety and Correctional Services if the local department of social services has
7 reason to believe that an individual who is living in or has a regular presence in
8 a child's home is a registrant on a sexual offender registry; and generally
9 relating to disclosure of reports and records of child abuse and neglect.

10 BY repealing and reenacting, with amendments,
11 Article – Human Services
12 Section 1–202
13 Annotated Code of Maryland
14 (2007 Volume and 2009 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Human Services**

18 1–202.

19 (a) Except as otherwise provided in Title 5, Subtitles 7 and 12 of the Family
20 Law Article, § 1–203 of this subtitle, and this section, a person may not disclose a
21 report or record concerning child abuse or neglect.

22 (b) A report or record concerning child abuse or neglect shall be disclosed:

23 (1) under a court order;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) under an order of an administrative law judge, if:

2 (i) the request for disclosure concerns a case pending before the
3 Office of Administrative Hearings; and

4 (ii) provisions are made to comply with other State or federal
5 confidentiality laws and to protect the identity of the reporter or other person whose
6 life or safety is likely to be endangered by the disclosure; [or]

7 (3) on a written request, to the Baltimore City Health Department:

8 (i) if the Baltimore City Health Department is providing
9 treatment or care to a child who is the subject of a report of child abuse or neglect, for
10 a purpose relevant to the provision of the treatment or care;

11 (ii) if the record or report concerns a child convicted of a crime
12 or adjudicated delinquent for an act that caused a death or near fatality; or

13 (iii) if the record or report concerns a victim of a crime of
14 violence, as defined in § 14–101 of the Criminal Law Article, who is a child residing in
15 Baltimore City, for the purpose of developing appropriate programs and policies aimed
16 at reducing violence against children in Baltimore City; **OR**

17 **(4) TO THE DIVISION OF PAROLE AND PROBATION IN THE**
18 **DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES IF, AS A**
19 **RESULT OF A REPORT OR INVESTIGATION OF SUSPECTED CHILD ABUSE OR**
20 **NEGLECT, THE LOCAL DEPARTMENT OF SOCIAL SERVICES HAS REASON TO**
21 **BELIEVE THAT AN INDIVIDUAL WHO LIVES IN OR HAS A REGULAR PRESENCE IN**
22 **A CHILD’S HOME IS SUBJECT TO THE REGISTRATION REQUIREMENTS OF TITLE**
23 **11, SUBTITLE 7 OF THE CRIMINAL PROCEDURES ARTICLE.**

24 (c) A report or record concerning child abuse or neglect:

25 (1) may be disclosed on request to:

26 (i) personnel of the Social Services Administration or a local
27 department of social services, law enforcement personnel, and members of
28 multidisciplinary case consultation teams, including an addiction specialist as defined
29 in Title 5, Subtitle 12 of the Family Law Article or § 5–314 of this article, who are
30 investigating a report of known or suspected child abuse or neglect or providing
31 services to or assessing a child or family that is the subject of the report;

32 (ii) local or State officials responsible for the administration of
33 child protective services, or child care, foster care, or adoption licensing, approval, or
34 regulations, as necessary to carry out their official functions;

1 (iii) the State Council on Child Abuse and Neglect or its
2 designee, the State Citizens Review Board for Children or its designee, or a child
3 fatality review team, as necessary to carry out their official functions;

4 (iv) a person who is the alleged abuser or neglector, if that
5 person is responsible for the child's welfare and provisions are made for the protection
6 of the identity of the reporter or any other person whose life or safety is likely to be
7 endangered by disclosing the information;

8 (v) a licensed practitioner who, or an agency, institution, or
9 program that, is providing treatment or care to a child who is the subject of a report of
10 child abuse or neglect for a purpose relevant to the treatment or care;

11 (vi) a parent or other person who has permanent or temporary
12 care and custody of the child, if provisions are made for the protection of the identity of
13 the reporter or any other person whose life or safety is likely to be endangered by
14 disclosing the information;

15 (vii) 1. the appropriate public school superintendent or the
16 principal or equivalent employee of a nonpublic school that holds a certificate of
17 approval from the State or is registered with the State Department of Education to
18 carry out appropriate personnel or administrative actions following a report of
19 suspected child abuse involving a student committed by:

20 A. a public school employee in that school system;

21 B. an employee of that nonpublic school;

22 C. an independent contractor who supervises or works
23 directly with students in that school system or that nonpublic school; or

24 D. an employee of an independent contractor, including a
25 bus driver or bus assistant, who supervises or works directly with students in that
26 school system or that nonpublic school; and

27 2. if the report concerns suspected child abuse involving
28 a student committed by an employee, independent contractor, or employee of an
29 independent contractor described in item 1 of this item and employed by a nonpublic
30 school under the jurisdiction of the superintendent of schools for the Archdiocese of
31 Baltimore, the Archdiocese of Washington, or the Catholic Diocese of Wilmington, the
32 appropriate superintendent of schools;

33 (viii) the director of a licensed child care facility or licensed child
34 placement agency to carry out appropriate personnel actions following a report of
35 suspected child abuse or neglect alleged to have been committed by an employee of the
36 facility or agency and involving a child who is currently or was previously under the
37 care of that facility or agency;

1 (ix) the Juvenile Justice Monitoring Unit of the Office of the
2 Attorney General established under Title 6, Subtitle 4 of the State Government
3 Article; or

4 (x) subject to subsection (d) of this section, a licensed
5 practitioner of a hospital or birthing center to make discharge decisions concerning a
6 child, when the practitioner suspects that the child may be in danger after discharge
7 based on the practitioner's observation of the behavior of the child's parents or
8 immediate family members; and

9 (2) may be disclosed by the State Department of Education to the
10 operator of a child care center that is required to be licensed or to hold a letter of
11 compliance under Title 5, Subtitle 5, Part VII of the Family Law Article or to a family
12 day care provider who is required to be registered under Title 5, Subtitle 5, Part V of
13 the Family Law Article, to determine the suitability of an individual for employment
14 in the child care center or family day care home.

15 (d) Only the following information concerning child abuse and neglect may
16 be disclosed to a practitioner of a hospital or birthing center under subsection (c)(1)(x)
17 of this section:

18 (1) whether there is a prior finding of indicated child abuse or neglect
19 by either parent; and

20 (2) whether there is an open investigation of child abuse or neglect
21 pending against either parent.

22 (e) (1) The Baltimore City Health Department shall be liable for the
23 unauthorized release of a report or record under subsection (b) of this section.

24 (2) Within 180 days after the Baltimore City Health Department
25 receives a report or record under subsection (b) of this section, the Baltimore City
26 Health Department shall submit a report to the Department of Human Resources
27 detailing the purposes for which the record was used.

28 (f) A person who violates this section is guilty of a misdemeanor and on
29 conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding
30 \$500 or both.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2010.