

# SENATE BILL 892

D4, E4, O4

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CF HB 1330

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By: **Senator Kelley**

Introduced and read first time: February 15, 2010

Assigned to: Rules

Re-referred to: Judicial Proceedings, February 19, 2010

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: April 6, 2010

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## CHAPTER \_\_\_\_\_

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~~ registered on the  
9 offender registry based on the commission of an offense against a child; and  
10 generally relating to disclosure of reports and records of child abuse and neglect.

11 BY repealing and reenacting, with amendments,  
12 Article – Human Services  
13 Section 1–202  
14 Annotated Code of Maryland  
15 (2007 Volume and 2009 Supplement)

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

18 **Article – Human Services**

19 1–202.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

5 (1) under a court order;

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

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

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

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

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

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

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

22 (4) **TO THE DIVISION OF PAROLE AND PROBATION IN THE**  
23 **DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES IF, AS A**  
24 **RESULT OF A REPORT OR INVESTIGATION OF SUSPECTED CHILD ABUSE OR**  
25 **NEGLECT, THE LOCAL DEPARTMENT OF SOCIAL SERVICES HAS REASON TO**  
26 **BELIEVE THAT AN INDIVIDUAL WHO LIVES IN OR HAS A REGULAR PRESENCE IN**  
27 **A CHILD’S HOME IS ~~SUBJECT TO THE REGISTRATION REQUIREMENTS OF TITLE~~**  
28 **~~11, SUBTITLE 7 OF THE CRIMINAL PROCEDURES ARTICLE~~ REGISTERED UNDER**  
29 **TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE BASED ON THE**  
30 **COMMISSION OF AN OFFENSE AGAINST A CHILD.**

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

32 (1) may be disclosed on request to:

33 (i) personnel of the Social Services Administration or a local  
34 department of social services, law enforcement personnel, and members of

1 multidisciplinary case consultation teams, including an addiction specialist as defined  
2 in Title 5, Subtitle 12 of the Family Law Article or § 5–314 of this article, who are  
3 investigating a report of known or suspected child abuse or neglect or providing  
4 services to or assessing a child or family that is the subject of the report;

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

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

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

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

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

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

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

28 B. an employee of that nonpublic school;

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

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

34 2. if the report concerns suspected child abuse involving  
35 a student committed by an employee, independent contractor, or employee of an  
36 independent contractor described in item 1 of this item and employed by a nonpublic

1 school under the jurisdiction of the superintendent of schools for the Archdiocese of  
2 Baltimore, the Archdiocese of Washington, or the Catholic Diocese of Wilmington, the  
3 appropriate superintendent of schools;

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

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

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

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

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

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

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

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

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

1 (f) A person who violates this section is guilty of a misdemeanor and on  
2 conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding  
3 \$500 or both.

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.