

## Chapter 245

**(House Bill 386)**

AN ACT concerning

**Child Abuse and Neglect – Centralized Confidential Database**

FOR the purpose of ~~requiring a local department of social services to notify in writing an individual who has been found responsible for certain child abuse or neglect that the individual may be identified as a maltreater in the centralized confidential database of the Department of Human Resources and that certain information concerning the individual may be disclosed under certain circumstances;~~ repealing provisions authorizing the Social Services Administration and each local department to maintain a central registry of child abuse and neglect cases and substituting provisions authorizing the Administration to maintain a centralized confidential database of child abuse and neglect cases; requiring each local department to enter and have access to certain information in the centralized confidential database; repealing certain provisions relating to information that is authorized to be included in the central registry and information that is prohibited from being included in the central registry; specifying that the information in the centralized confidential database shall only be accessible to certain individuals or entities; specifying the conditions under which an individual may be identified ~~as a maltreater~~ as responsible for child abuse or neglect in the centralized confidential database; repealing certain provisions relating to the removal of certain information from the central registry under certain circumstances; prohibiting the centralized confidential database from containing certain information that is required to be expunged; prohibiting certain information in the centralized confidential database from being provided in response to a request for background information for employment or voluntary service except under certain circumstances; prohibiting an individual from being identified as ~~a maltreater~~ responsible for child abuse or neglect in the centralized confidential database solely because of certain factors; making certain conforming changes; altering certain definitions; and generally relating to child abuse and neglect and the centralized confidential database.

BY repealing and reenacting, without amendments,

Article – Family Law

Section 5–701(a)

Annotated Code of Maryland

(2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Family Law

Section 5–701(d), 5–706.1, and 5–714

Annotated Code of Maryland

(2012 Replacement Volume and 2014 Supplement)

BY repealing

Article – Family Law

Section 5–701(l)

Annotated Code of Maryland

(2012 Replacement Volume and 2014 Supplement)

~~BY adding to~~

~~Article – Family Law~~

~~Section 5–701(l)~~

~~Annotated Code of Maryland~~

~~(2012 Replacement Volume and 2014 Supplement)~~

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

### Article – Family Law

5–701.

(a) Except as otherwise provided in § 5–705.1 of this subtitle, in this subtitle the following words have the meanings indicated.

(d) [(1) Except as provided in paragraph (2) of this subsection, “central registry”] **“CENTRALIZED CONFIDENTIAL DATABASE”** means [any component of] the Department’s confidential computerized [database] **DATA SYSTEM** that contains information regarding child abuse and neglect investigations **AND ASSESSMENTS**.

[(2) “Central registry” does not include a local department case file.]

[(1) “Identifying information” means the name of:

(1) the child who is alleged to have been abused or neglected;

(2) a member of the household of the child;

(3) a parent or legal guardian of the child; or

(4) an individual suspected of being responsible for abuse or neglect of the child.]

~~(L) **“IDENTIFIED AS A MALTREATOR” MEANS BEING LABELED WITH THE WORD “MALTREATOR” IN THE CENTRALIZED CONFIDENTIAL DATABASE.**~~

5–706.1.

(a) Within 30 days after the completion of an investigation in which there has been a finding of indicated or unsubstantiated abuse or neglect, the local department shall notify in writing the individual alleged to have abused or neglected a child:

(1) of the finding;

(2) of the opportunity to appeal the finding in accordance with this section;

and

(3) if the individual has been found responsible for indicated abuse or neglect, that:

~~(H)~~ the individual may be identified [in a central registry as responsible for abuse or neglect] AS A MALTREATOR RESPONSIBLE FOR ABUSE OR NEGLECT IN THE CENTRALIZED CONFIDENTIAL DATABASE under the circumstances specified in [~~§ 5-714(e)~~] § 5-714(D) of this subtitle; ~~AND~~

~~(H) IF THE INDIVIDUAL IS IDENTIFIED AS A MALTREATOR, THAT INFORMATION MAY BE DISCLOSED WITH THE INDIVIDUAL'S CONSENT ON APPROPRIATE REQUEST FOR BACKGROUND INFORMATION FOR EMPLOYMENT OR VOLUNTARY SERVICE.~~

(b) (1) In the case of a finding of indicated abuse or neglect, an individual may request a contested case hearing to appeal the finding in accordance with Title 10, Subtitle 2 of the State Government Article by responding to the notice of the local department in writing within 60 days.

(2) Unless the individual and the department agree on another location, a contested case hearing shall be held in the jurisdiction in which the individual alleged to have abused or neglected a child resides.

(3) (i) If a criminal proceeding is pending on charges arising out of the alleged abuse or neglect, the Office of Administrative Hearings shall stay the hearing until a final disposition is made.

(ii) If after final disposition of the criminal charge, the individual requesting the hearing is found guilty of any criminal charge arising out of the alleged abuse or neglect, the Office of Administrative Hearings shall dismiss the administrative appeal.

(4) (i) If a CINA case is pending concerning a child who has been allegedly abused or neglected by the appellant or a child in the care, custody, or household of the appellant, the Office of Administrative Hearings shall stay the hearing until the CINA case is concluded.

(ii) After the conclusion of the CINA case, the Office of Administrative Hearings shall vacate the stay and schedule further proceedings in accordance with this section.

(c) (1) In the case of a finding of unsubstantiated abuse or neglect, an individual may request a conference with a supervisor in the local department by responding to the notice of the local department in writing within 60 days.

(2) In response to a timely request for a conference, a local department supervisor shall schedule a conference, to occur within 30 days after the supervisor receives the request, to allow the individual an opportunity to review the redacted record and request corrections or to supplement the record.

(3) Within 10 days after the conference, the local department shall send to the individual:

(i) a written summary of the conference and of any modifications to be made in the record; and

(ii) notice of the individual's right to request a contested case hearing in accordance with paragraph (4) of this subsection.

(4) (i) The individual may request a contested case hearing in accordance with subsection (b) of this section to appeal the outcome of the conference by responding to the summary in writing within 60 days.

(ii) If the individual does not receive the written summary and notice specified in paragraph (3) of this subsection within 20 days, the individual may request a contested case hearing.

(iii) An individual may request a contested case hearing in the case of a finding of unsubstantiated abuse or neglect only as provided in this paragraph.

(d) In the case of an unexpunged finding of indicated or unsubstantiated abuse or neglect made prior to June 1, 1999, the local department shall provide the individual with an opportunity to appeal the finding in accordance with this section if the individual:

(1) requests such an appeal;

(2) has not been offered an opportunity to request a contested case hearing;  
and

(3) has not been found guilty of any criminal charge arising out of the alleged abuse or neglect.

(a) The Social Services Administration [and each local department] may maintain a [central registry] **CENTRALIZED CONFIDENTIAL DATABASE** of cases reported under this subtitle.

(b) [(1)] Each local department shall [provide the information for a central registry] **ENTER AND HAVE ACCESS TO INFORMATION IN THE CENTRALIZED CONFIDENTIAL DATABASE RELATED TO REPORTS, INVESTIGATIONS, AND ASSESSMENTS OF SUSPECTED ABUSE OR NEGLECT.**

[(2)] Except for identifying information authorized under subsection (d) of this section, a central registry may not include information from a local department case file until any individual found responsible for indicated or unsubstantiated child abuse or neglect has:

(i) been found guilty of any criminal charge arising from the alleged abuse or neglect;

(ii) unsuccessfully appealed the finding in accordance with the procedures established under § 5-706.1 of this subtitle; or

(iii) failed to exercise the appeal rights within the time frames specified in § 5-706.1 of this subtitle, Title 10, Subtitle 2 of the State Government Article, or the Maryland Rules.]

(c) The information in ~~a~~ **THE** [central registry] **CENTRALIZED CONFIDENTIAL DATABASE** shall [be at the disposal of] **BE ACCESSIBLE ONLY TO:**

(1) the protective services staff of the Administration;

(2) the protective services staffs of local departments who are investigating **OR ASSESSING** a report of suspected abuse or neglect; and

(3) [law enforcement personnel who are investigating a report of suspected abuse or neglect] **AN INDIVIDUAL OR ENTITY SPECIFICALLY AUTHORIZED BY LAW TO ACCESS THE INFORMATION.**

(d) [(1)] Except as provided in paragraph (2) of this subsection, and subject to subsection (e) of this section, a central registry may contain identifying information related to an investigation of abuse or neglect.

(2) A central registry may not contain identifying information related to an investigation of abuse or neglect if:

(i) abuse or neglect has been ruled out; or

(ii) the abuse or neglect finding has been expunged in accordance with § 5-707(b)(1) of this subtitle.

(e) (1) The Department or a local department may identify an individual as responsible for abuse or neglect in ~~a central registry~~ **AN INDIVIDUAL MAY BE IDENTIFIED AS A MALTREATOR IN THE CENTRALIZED CONFIDENTIAL DATABASE** only if the individual:

(i) (1) has been found guilty of any criminal charge arising out of the alleged abuse or neglect; or

(ii) (2) has been found responsible for indicated abuse or neglect and has:

[1.] (I) unsuccessfully appealed the finding in accordance with the procedures established under § 5-706.1 of this subtitle; or

[2.] (II) failed to exercise the individual's appeal rights within the time frames specified in § 5-706.1 of this subtitle, Title 10, Subtitle 2 of the State Government Article, or the Maryland Rules.

[(2) The Department without the necessity of a request shall remove from the name of an individual described in paragraph (1) of this subsection the identification of that individual as responsible for abuse or neglect if no entry has been made for that individual for 7 years after the entry of the individual's name in a registry.]

**(E) THE CENTRALIZED CONFIDENTIAL DATABASE MAY NOT CONTAIN ANY INFORMATION THAT IS REQUIRED TO BE EXPUNGED UNDER § 5-707 OF THIS SUBTITLE.**

(f) (1) [Except for information entered in accordance with subsection (e) of this section, information in a central registry may not be used as a sole basis for responding] **UNLESS AN INDIVIDUAL HAS BEEN IDENTIFIED AS A MALTREATOR RESPONSIBLE FOR ABUSE OR NEGLECT IN THE CENTRALIZED CONFIDENTIAL DATABASE IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION, INFORMATION IN THE CENTRALIZED CONFIDENTIAL DATABASE MAY NOT BE PROVIDED IN RESPONSE** to any request for background information for employment or voluntary service.

(2) An official or employee of the Department or a local department who releases information from [a central registry] **THE CENTRALIZED CONFIDENTIAL DATABASE** in violation of paragraph (1) of this subsection is subject to the penalty provided in § 1-202(f) of the Human Services Article.

(g) Notwithstanding any other provision of law, [the central registry may not include the identity of an individual related to an investigation of neglect or found responsible for neglect when] **AN INDIVIDUAL MAY NOT BE IDENTIFIED AS A ~~MALTREATOR~~ RESPONSIBLE FOR ABUSE OR NEGLECT IN THE CENTRALIZED CONFIDENTIAL DATABASE SOLELY BECAUSE:**

- (1) a child has been released from a hospital or other facility;
- (2) the child has been diagnosed with a mental disorder or developmental disability; and
- (3) the individual has failed to take the child home due to a reasonable fear for the safety of the child or child's family.

(h) The Secretary of Human Resources:

- (1) shall adopt regulations necessary to protect the rights of individuals suspected of abuse or neglect; and
- (2) may adopt regulations to implement the provisions of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**