O4, O1 9lr0173

By: Chair, Judiciary Committee (By Request – Departmental – Human Services)

Introduced and read first time: February 8, 2019

Assigned to: Judiciary

A BILL ENTITLED

1	AN ACT concerning
2 3	Department of Human Services – Child Abuse and Neglect – Disclosure of Information
4 5 6 7	FOR the purpose of authorizing the Department of Human Services to disclose a report or record concerning child abuse or neglect with local or State officials responsible for the administration of juvenile services under certain circumstances; and generally relating to the disclosure of information concerning child abuse and neglect.
8 9 10 11 12	BY repealing and reenacting, with amendments, Article – Human Services Section 1–202(c) Annotated Code of Maryland (2007 Volume and 2018 Supplement)
13 14	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
15	Article – Human Services
16	1-202.
17	(c) A report or record concerning child abuse or neglect:
18	(1) may be disclosed on request to:
19 20 21 22 23 24	(i) personnel of the Social Services Administration or a local department of social services, law enforcement personnel, and members of multidisciplinary case consultation teams, including an addiction specialist as defined in Title 5, Subtitle 12 of the Family Law Article or § 5–314 of this article, who are investigating a report of known or suspected child abuse or neglect or providing services to or assessing a child or family that is the subject of the report:

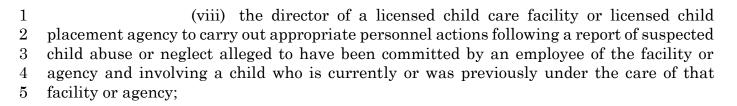


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superintendent of schools;

1 local or State officials responsible for the administration of child (ii) 2 protective services, JUVENILE SERVICES, or child care, foster care, or adoption licensing, 3 approval, or regulations, as necessary to carry out their official functions: 4 the State Council on Child Abuse and Neglect or its designee, the State Citizens Review Board for Children or its designee, or a child fatality review team, 5 as necessary to carry out their official functions; 6 7 a person who is the alleged abuser or neglector, if that person is responsible for the child's welfare and provisions are made for the protection of the identity 8 9 of the reporter or any other person whose life or safety is likely to be endangered by 10 disclosing the information; 11 (v) subject to the provisions of subsection (b)(4) of this section, a 12 licensed practitioner who, or an agency, institution, or program that, is providing treatment or care to a child who is the subject of a report of child abuse or neglect for a purpose 13 14 relevant to the treatment or care; 15 (vi) a parent or other person who has permanent or temporary care and custody of the child, if provisions are made for the protection of the identity of the 16 17 reporter or any other person whose life or safety is likely to be endangered by disclosing the 18 information; 19 the appropriate public school superintendent or the (vii) 20principal or equivalent employee of a nonpublic school that holds a certificate of approval 21from the State or is registered with the State Department of Education to carry out 22appropriate personnel or administrative actions following a report of suspected child abuse 23 involving a student committed by: 24 A. a public school employee in that school system; 25В. an employee of that nonpublic school; 26 C. an independent contractor who supervises or works 27 directly with students in that school system or that nonpublic school; or 28 D. an employee of an independent contractor, including a bus 29 driver or bus assistant, who supervises or works directly with students in that school 30 system or that nonpublic school; and 31 if the report concerns suspected child abuse involving a 32 student committed by an employee, independent contractor, or employee of an independent 33 contractor described in item 1 of this item and employed by a nonpublic school under the jurisdiction of the superintendent of schools for the Archdiocese of Baltimore, the 34

Archdiocese of Washington, or the Catholic Diocese of Wilmington, the appropriate



- 6 (ix) the Juvenile Justice Monitoring Unit of the Office of the Attorney 7 General established under Title 6, Subtitle 4 of the State Government Article;
- 8 (x) subject to subsection (d) of this section, a licensed practitioner of 9 a hospital or birthing center to make discharge decisions concerning a child, when the 10 practitioner suspects that the child may be in danger after discharge based on the 11 practitioner's observation of the behavior of the child's parents or immediate family 12 members; or
- 13 (xi) the president of a Maryland public institution of higher 14 education, as defined in § 10–101 of the Education Article, or the Chancellor of the 15 University System of Maryland, to carry out appropriate personnel or administrative 16 actions following a report of child abuse committed:
- 17 by an employee of the institution who has on–campus 18 contact with children; or
- by a contractor, an employee of a contractor, or a volunteer of the institution who has on–campus contact with children; and

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- (2) may be disclosed by the Department of Human Services to the operator of a child care center that is required to be licensed or to hold a letter of compliance under Title 5, Subtitle 5, Part VII of the Family Law Article or to a family child care provider who is required to be registered under Title 5, Subtitle 5, Part V of the Family Law Article, to determine the suitability of an individual for employment in the child care center or family child care home.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.