

SENATE BILL 214

O4, D4

2lr0049

(PRE-FILED)

By: **Chair, Judicial Proceedings Committee (By Request – Departmental – Human Services)**

Requested: October 5, 2021

Introduced and read first time: January 12, 2022

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: January 27, 2022

CHAPTER _____

1 AN ACT concerning

2 **Child Abuse and Neglect – Disclosure of Reports and Records**

3 FOR the purpose of expanding the circumstances under which a report or record concerning
4 child abuse or neglect may be disclosed to certain school personnel or to a director of
5 a licensed child care facility or licensed child placement agency; and generally
6 relating to child abuse and neglect reports and records.

7 BY repealing and reenacting, with amendments,
8 Article – Human Services
9 Section 1–202(c)(1)(vii) through (xi)
10 Annotated Code of Maryland
11 (2019 Replacement Volume and 2021 Supplement)

12 BY adding to
13 Article – Human Services
14 Section 1–202(c)(1)(ix)
15 Annotated Code of Maryland
16 (2019 Replacement Volume and 2021 Supplement)

17 BY repealing and reenacting, without amendments,
18 Article – Human Services
19 Section 1–202(c)(2)
20 Annotated Code of Maryland

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.



(2019 Replacement Volume and 2021 Supplement)

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

Article – Human Services

1–202.

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

(1) may be disclosed on request to:

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

A. a public school employee in that school system;

B. an employee of that nonpublic school;

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

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

2. if the report concerns suspected child abuse [involving a student] **OR NEGLECT** committed by an employee, independent contractor, or employee of an independent 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 Archdiocese of Washington, or the Catholic Diocese of Wilmington, the appropriate superintendent of schools;

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

(IX) THE DIRECTOR OF A LICENSED CHILD PLACEMENT AGENCY FOLLOWING A REPORT OF SUSPECTED CHILD ABUSE OR NEGLECT ALLEGED TO HAVE BEEN COMMITTED BY A HOUSEHOLD MEMBER, A FAMILY MEMBER, OR ANY

1 PERSON WHO HAS RESPONSIBILITY FOR SUPERVISION OF A CHILD IN A HOME THAT
2 IS APPROVED BY THAT AGENCY FOR THE PLACEMENT OF CHILDREN;

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

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

10 [(xi)] (XII) the president of a Maryland public institution of higher
11 education, as defined in § 10–101 of the Education Article, or the Chancellor of the
12 University System of Maryland, to carry out appropriate personnel or administrative
13 actions following a report of child abuse committed:

14 1. by an employee of the institution who has on-campus
15 contact with children; or

16 2. by a contractor, an employee of a contractor, or a volunteer
17 of the institution who has on-campus contact with children; and

18 (2) may be disclosed by the Department of Human Services to the operator
19 of a child care center that is required to be licensed or to hold a letter of compliance under
20 Title 9.5, Subtitle 4 of the Education Article or to a family child care provider who is
21 required to be registered under Title 9.5, Subtitle 3 of the Education Article, to determine
22 the suitability of an individual for employment in the child care center or family child care
23 home.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2022.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.