

SENATE BILL 863

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2002 Regular Session
2lr2806
CF 2lr2805

By: **Senator Baker**

Introduced and read first time: February 21, 2002

Assigned to: Rules

Re-referred to: Judicial Proceedings, March 4, 2002

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 19, 2002

CHAPTER _____

1 AN ACT concerning

2 **Child Abuse and Neglect - Central Registry - Exception**

3 FOR the purpose of establishing that a certain child abuse and neglect case file for
4 which access is limited to certain local social services department staff
5 responsible for the investigation may not be included in the central registry
6 until after a certain individual found responsible by the local department for
7 indicated or unsubstantiated child abuse has been found guilty of certain
8 criminal charges, unsuccessfully appealed the finding of the local department,
9 or failed to exercise certain appeal rights; defining a certain term; and generally
10 relating to the central registry and information regarding child abuse and
11 neglect investigations.

12 BY repealing and reenacting, with amendments,
13 Article - Family Law
14 Section 5-701(d) and 5-714(b)
15 Annotated Code of Maryland
16 (1999 Replacement Volume and 2001 Supplement)

17 BY repealing and reenacting, without amendments,
18 Article - Family Law
19 Section 5-701(i) and (o) and 5-714(d) and (e)
20 Annotated Code of Maryland
21 (1999 Replacement Volume and 2001 Supplement)

22 BY adding to
23 Article - Family Law

1 Section 5-701(o-1)
2 Annotated Code of Maryland
3 (1999 Replacement Volume and 2001 Supplement)

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

6 **Article - Family Law**

7 5-701.

8 (d) (1) ["Central] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
9 SUBSECTION, "CENTRAL registry" means any component of the Department's
10 confidential computerized database that contains information regarding child abuse
11 and neglect investigations.

12 (2) "CENTRAL REGISTRY" DOES NOT INCLUDE A LOCAL DEPARTMENT
13 CASE FILE.

14 (i) "Identifying information" means the name of:

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

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

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

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

20 (o) "Local department" means the department of social services that has
21 jurisdiction in the county:

22 (1) where the allegedly abused or neglected child lives; or

23 (2) if different, where the abuse or neglect is alleged to have taken place.

24 (O-1) "LOCAL DEPARTMENT CASE FILE" MEANS THAT COMPONENT OF THE
25 DEPARTMENT'S CONFIDENTIAL COMPUTERIZED DATABASE THAT CONTAINS
26 INFORMATION REGARDING CHILD ABUSE AND NEGLECT INVESTIGATIONS TO WHICH
27 ACCESS IS LIMITED TO THE LOCAL DEPARTMENT STAFF RESPONSIBLE FOR THE
28 INVESTIGATION.

29 5-714.

30 (b) (1) The respective local departments throughout this State shall provide
31 the information for a central registry.

32 (2) ~~EXCEPT AS PROVIDED IN~~ FOR IDENTIFYING INFORMATION
33 AUTHORIZED UNDER SUBSECTION (D) OF THIS SECTION, A CENTRAL REGISTRY MAY

1 NOT INCLUDE INFORMATION FROM A LOCAL DEPARTMENT CASE FILE UNTIL ANY
2 INDIVIDUAL FOUND RESPONSIBLE FOR INDICATED OR UNSUBSTANTIATED CHILD
3 ABUSE OR NEGLECT HAS:

4 (I) BEEN FOUND GUILTY OF ANY CRIMINAL CHARGE ARISING
5 FROM THE ALLEGED ABUSE OR NEGLECT;

6 (II) UNSUCCESSFULLY APPEALED THE FINDING IN ACCORDANCE
7 WITH THE PROCEDURES ESTABLISHED UNDER § 5-706.1 OF THIS SUBTITLE; OR

8 (III) FAILED TO EXERCISE THE APPEAL RIGHTS ~~WITH~~ WITHIN THE
9 TIME FRAMES SPECIFIED IN § 5-706.1 OF THIS SUBTITLE, TITLE 10, SUBTITLE 2 OF
10 THE STATE GOVERNMENT ARTICLE, OR THE MARYLAND RULES.

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

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

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

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

19 (e) (1) The Department or a local department may identify an individual as
20 responsible for abuse or neglect in a central registry only if the individual:

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

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

25 1. unsuccessfully appealed the finding in accordance with
26 the procedures established under § 5-706.1 of this subtitle; or

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

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

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
36 October 1, 2002.

