

HOUSE BILL 262

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8lr0201

By: **Chair, Judiciary Committee (By Request - Departmental - Human Resources)**

Introduced and read first time: January 23, 2008

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Child Abuse and Neglect - Child Welfare - Alternative Response**

3 FOR the purpose of authorizing the Secretary of Human Resources to establish an
4 alternative response to selected reports of child abuse or neglect; requiring local
5 departments of social services to participate in the development of the
6 alternative response; prohibiting certain reports of child abuse or neglect from
7 being assigned for an alternative response; authorizing certain reports assigned
8 for an alternative response to be reassigned for an immediate investigation
9 based on certain factors; authorizing certain reports assigned for an
10 investigation to be reassigned for an alternative response based on certain
11 factors; requiring a local department to take certain actions following a report
12 assigned for an alternative response; providing for the confidentiality and
13 maintenance of certain records; requiring the Social Services Administration to
14 develop a certain data collection process; requiring the Department of Human
15 Resources to submit a certain assessment and recommendations to the General
16 Assembly; and generally relating to child abuse and neglect.

17 BY adding to

18 Article - Family Law

19 Section 5-705.2

20 Annotated Code of Maryland

21 (2006 Replacement Volume and 2007 Supplement)

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

24 **Article - Family Law**

25 **5-705.2.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (A) IN THIS SECTION, "ALTERNATIVE RESPONSE" MEANS THE
2 COMPLETION OF A COMPREHENSIVE ASSESSMENT OF CHILD SAFETY, RISK OF
3 SUBSEQUENT CHILD ABUSE OR NEGLECT, AND FAMILY STRENGTHS AND NEEDS.

4 (B) (1) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE
5 SECRETARY OF HUMAN RESOURCES MAY ESTABLISH AN ALTERNATIVE
6 RESPONSE TO SELECTED REPORTS OF CHILD ABUSE OR NEGLECT.

7 (2) LOCAL DEPARTMENTS SHALL PARTICIPATE IN THE
8 DEVELOPMENT OF AN ALTERNATIVE RESPONSE.

9 (C) AN ALTERNATIVE RESPONSE MAY NOT INCLUDE AND MAY NOT BE
10 CONSIDERED A FINDING OR DETERMINATION AS TO WHETHER CHILD ABUSE OR
11 NEGLECT OCCURRED.

12 (D) EXCEPT AS OTHERWISE PROVIDED BY THIS SECTION, § 5-706 OF
13 THIS SUBTITLE DOES NOT APPLY TO REPORTS ASSIGNED FOR AN ALTERNATIVE
14 RESPONSE.

15 (E) REPORTS THAT ARE NOT ASSIGNED FOR AN ALTERNATIVE
16 RESPONSE SHALL BE ASSIGNED FOR INVESTIGATION IN ACCORDANCE WITH §
17 5-706 OF THIS SUBTITLE.

18 (F) THE FOLLOWING REPORTS OF SUSPECTED CHILD ABUSE OR
19 NEGLECT MAY NOT BE ASSIGNED FOR AN ALTERNATIVE RESPONSE:

20 (1) CHILD SEXUAL ABUSE;

21 (2) CHILD NEGLECT IN WHICH A CHILD UNDER THE AGE OF 2
22 YEARS HAS BEEN LEFT UNATTENDED;

23 (3) CHILD ABUSE IN WHICH A CHILD UNDER THE AGE OF 1 YEAR
24 HAS BEEN THE SUBJECT OF CORPORAL PUNISHMENT; AND

25 (4) CHILD ABUSE OR NEGLECT:

26 (I) INVOLVING SUBSTANTIAL CHILD ENDANGERMENT;

27 (II) RESULTING IN DEATH OR SERIOUS PHYSICAL OR
28 MENTAL INJURY;

29 (III) OCCURRING IN AN OUT-OF-HOME SETTING; OR

1 (IV) IF, IN THE PREVIOUS 3 YEARS, THE SUSPECTED CHILD
2 ABUSER OR NEGLECTOR HAS BEEN THE SUBJECT OF THREE OR MORE REPORTS
3 DOCUMENTED IN LOCAL DEPARTMENT RECORDS.

4 (G) REPORTS ASSIGNED FOR AN ALTERNATIVE RESPONSE MAY BE
5 REASSIGNED FOR AN IMMEDIATE INVESTIGATION UNDER § 5-706 OF THIS
6 SUBTITLE AT ANY TIME BASED ON FACTORS SUCH AS:

7 (1) A REASSESSMENT OF THE REPORT OR RELEVANT FACTS;

8 (2) A DETERMINATION THAT THERE IS REASON TO BELIEVE THAT
9 SUBSTANTIAL CHILD ENDANGERMENT OR A SERIOUS THREAT TO THE CHILD'S
10 SAFETY EXISTS; AND

11 (3) A FAMILY'S REFUSAL TO COOPERATE, WHICH MAY INCLUDE:

12 (I) THE FAMILY'S REFUSAL TO PROVIDE OR AUTHORIZE
13 THE RELEASE OF INFORMATION NECESSARY TO COMPLETE THE ALTERNATIVE
14 RESPONSE;

15 (II) THE FAMILY'S REFUSAL TO ACCEPT SERVICES THAT
16 WOULD DECREASE THE RISK OF CHILD ABUSE OR NEGLECT OR HAVE AN IMPACT
17 ON CHILD SAFETY;

18 (III) AN INABILITY TO COMPLETE THE ALTERNATIVE
19 RESPONSE; OR

20 (IV) A REQUEST BY A FAMILY MEMBER FOR AN
21 INVESTIGATION RATHER THAN AN ALTERNATIVE RESPONSE.

22 (H) REPORTS ASSIGNED FOR AN INVESTIGATION MAY BE REASSIGNED
23 FOR AN ALTERNATIVE RESPONSE AT ANY TIME BASED ON FACTORS SUCH AS:

24 (1) A REASSESSMENT OF THE REPORT OR RELEVANT FACTS; AND

25 (2) A DETERMINATION THAT ACCEPTED SERVICES WOULD
26 ADDRESS ALL ISSUES OF RISK OF CHILD ABUSE OR NEGLECT AND CHILD
27 SAFETY.

28 (I) THE LOCAL DEPARTMENT SHALL:

29 (1) WITHIN 5 DAYS AFTER RECEIVING A REPORT ASSIGNED FOR
30 AN ALTERNATIVE RESPONSE, HAVE FACE-TO-FACE CONTACT WITH THE CHILD
31 AND THE CHILD'S PRIMARY CARETAKER;

1 **(2) ADVISE THE APPROPRIATE LAW ENFORCEMENT AGENCY OF**
2 **ANY REPORT OF SUSPECTED CHILD ABUSE ASSIGNED FOR AN ALTERNATIVE**
3 **RESPONSE;**

4 **(3) AT THE INITIAL CONTACT, INFORM THE SUSPECTED CHILD**
5 **ABUSER OR NEGLECTOR OF THE ALLEGATIONS MADE AGAINST THE INDIVIDUAL**
6 **IN A MANNER CONSISTENT WITH LAWS PROTECTING THE RIGHTS OF THE**
7 **PERSON THAT MADE THE REPORT;**

8 **(4) COMPLETE AN ALTERNATIVE RESPONSE WITHIN 60 DAYS**
9 **AFTER THE RECEIPT OF THE REPORT; AND**

10 **(5) WITHIN 10 DAYS AFTER COMPLETING THE ALTERNATIVE**
11 **RESPONSE, ADVISE THE FAMILY AS TO WHETHER SERVICES ARE NEEDED TO**
12 **ADDRESS:**

13 **(I) THE SAFETY OF THE CHILD AND OTHER FAMILY**
14 **MEMBERS; AND**

15 **(II) THE RISK OF SUBSEQUENT CHILD ABUSE OR NEGLECT.**

16 **(J) THE LOCAL DEPARTMENT:**

17 **(1) SHALL MAINTAIN ALL RECORDS RELATED TO AN**
18 **ALTERNATIVE RESPONSE FOR NOT MORE THAN 5 YEARS;**

19 **(2) MAY NOT USE OR DISCLOSE RECORDS RELATED TO AN**
20 **ALTERNATIVE RESPONSE FOR PURPOSES OF RESPONDING TO A REQUEST FOR**
21 **BACKGROUND INFORMATION FOR EMPLOYMENT OR VOLUNTARY SERVICES;**

22 **(3) SHALL PROTECT FROM DISCLOSURE RECORDS RELATED TO**
23 **AN ALTERNATIVE RESPONSE IN ACCORDANCE WITH § 1-202 OF THE HUMAN**
24 **SERVICES ARTICLE; AND**

25 **(4) SHALL MAINTAIN COMPLETE RECORDS OF SERVICES AND**
26 **RELATED EVALUATIONS FOR NOT LESS THAN 5 YEARS.**

27 SECTION 2. AND BE IT FURTHER ENACTED, That the Social Services
28 Administration shall develop a data collection process to assess the impact of
29 alternative response in the areas of child safety, timeliness of response, timeliness of
30 service, coordination and provision of local human services, cost-effectiveness, record
31 keeping, and any other significant related issues.

1 SECTION 3. AND BE IT FURTHER ENACTED, That on or before October 1,
2 2012, the Department of Human Resources shall submit to the General Assembly its
3 preliminary assessment of alternative response under § 5-705.2 of the Family Law
4 Article, as enacted by Section 1 of this Act, and its recommendations for continuing
5 alternative response.

6 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2008.