

HOUSE BILL 1603

J1, O1, O4

8lr3469

By: **Delegate McComas**

Introduced and read first time: March 3, 2008

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Social Services Administration – Children Subject to a Substantial Risk of**
3 **Child Abuse or Neglect – Identification and Notice**

4 FOR the purpose of requiring the Secretary of Health and Mental Hygiene to allow the
5 disclosure of certain birth records data to the Executive Director of the Social
6 Services Administration in the Department of Human Resources; requiring the
7 Executive Director to provide the Secretary with certain identifying information
8 about certain individuals; requiring the Secretary to provide the Executive
9 Director with certain birth records data; requiring the Executive Director to
10 identify a certain child as subject to a substantial risk of child abuse or neglect
11 if the individual responsible for the child’s care meets certain criteria; requiring
12 the Administration to send a certain notice to a certain local department under
13 certain circumstances; defining a certain term; and generally relating to the
14 Social Services Administration and children subject to a substantial risk of child
15 abuse or neglect.

16 BY adding to
17 Article – Health – General
18 Section 4–222
19 Annotated Code of Maryland
20 (2005 Replacement Volume and 2007 Supplement)

21 BY adding to
22 Article – Family Law
23 Section 5–715
24 Annotated Code of Maryland
25 (2006 Replacement Volume and 2007 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article - Health - General**2 **4-222.**

3 **THE SECRETARY SHALL ALLOW THE DISCLOSURE OF BIRTH RECORDS**
4 **DATA, INCLUDING THE SOCIAL SECURITY NUMBERS OF THE PARENTS, TO THE**
5 **EXECUTIVE DIRECTOR OF THE SOCIAL SERVICES ADMINISTRATION IN THE**
6 **DEPARTMENT OF HUMAN RESOURCES FOR THE PURPOSE OF IDENTIFYING**
7 **CHILDREN WHO ARE SUBJECT TO A SUBSTANTIAL RISK OF CHILD ABUSE OR**
8 **NEGLECT, AS DEFINED IN § 5-715 OF THE FAMILY LAW ARTICLE, BY AN**
9 **INDIVIDUAL RESPONSIBLE FOR THE CHILD'S CARE.**

10 **Article - Family Law**11 **5-715.**

12 **(A) IN THIS SECTION, "SUBSTANTIAL RISK OF CHILD ABUSE OR**
13 **NEGLECT" MEANS A STATEMENT, OVERT ACT, CONDITION, OR STATUS THAT**
14 **REPRESENTS A SIGNIFICANT RISK OF PHYSICAL OR SEXUAL ABUSE OR MENTAL**
15 **INJURY.**

16 **(B) (1) THE EXECUTIVE DIRECTOR OF THE ADMINISTRATION SHALL**
17 **PROVIDE THE SECRETARY OF HEALTH AND MENTAL HYGIENE WITH**
18 **INFORMATION THAT IDENTIFIES INDIVIDUALS WHO HAVE HAD THEIR PARENTAL**
19 **RIGHTS TERMINATED.**

20 **(2) THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL**
21 **PROVIDE THE EXECUTIVE DIRECTOR WITH THE BIRTH RECORDS DATA OF ANY**
22 **CHILDREN BORN TO AN INDIVIDUAL IDENTIFIED TO THE SECRETARY UNDER**
23 **PARAGRAPH (1) OF THIS SUBSECTION.**

24 **(C) THE EXECUTIVE DIRECTOR SHALL IDENTIFY A CHILD AS SUBJECT**
25 **TO A SUBSTANTIAL RISK OF CHILD ABUSE OR NEGLECT IF THE INDIVIDUAL**
26 **RESPONSIBLE FOR THE CHILD'S CARE IS IDENTIFIED IN THE DEPARTMENT'S**
27 **RECORDS AS AN INDIVIDUAL WHO HAS HAD THEIR PARENTAL RIGHTS**
28 **TERMINATED.**

29 **(D) IF A CHILD IS IDENTIFIED AS A CHILD SUBJECT TO A SUBSTANTIAL**
30 **RISK OF CHILD ABUSE OR NEGLECT UNDER SUBSECTION (C) OF THIS SECTION,**
31 **THE ADMINISTRATION SHALL IMMEDIATELY NOTIFY THE LOCAL DEPARTMENT**
32 **OF THE COUNTY IN WHICH THE CHILD RESIDES THAT THERE IS A NEWBORN**
33 **RESIDING IN THE COUNTY WHO IS SUBJECT TO A SUBSTANTIAL RISK OF CHILD**
34 **ABUSE OR NEGLECT.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2008.