

HOUSE BILL 134

D4

11r0005

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

Introduced and read first time: January 25, 2011

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Child Abuse and Neglect – Expungement of Reports and**
3 **Records – Time Period**

4 FOR the purpose of altering the time period after which a local department of social
5 services is required to expunge certain reports and records of suspected child
6 abuse and neglect; and generally relating to expungement of reports of child
7 abuse and neglect.

8 BY repealing and reenacting, with amendments,
9 Article – Family Law
10 Section 5–707
11 Annotated Code of Maryland
12 (2006 Replacement Volume and 2010 Supplement)

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

15 **Article – Family Law**

16 5–707.

17 (a) Subject to federal and State law, the Administration shall provide by
18 regulation adopted in accordance with Title 10, Subtitle 1 of the State Government
19 Article:

20 (1) procedures for protecting the confidentiality of reports and records
21 made in accordance with this subtitle;

22 (2) conditions under which information may be released;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) conditions for determining in cases whether abuse, neglect, or
2 sexual abuse is indicated, ruled out, or unsubstantiated; and

3 (4) procedures for the appeal processes provided in this subtitle.

4 (b) **[The] UNLESS AN INVESTIGATION UNDER § 5-706 OF THIS SUBTITLE**
5 **FINDS THAT THE REPORT IS INDICATED OR THE LOCAL DEPARTMENT HAS**
6 **RECEIVED ADDITIONAL REPORTS, THE** local department shall expunge a report of
7 suspected abuse or neglect and all assessments and investigative findings[:

8 (1)] within 5 years after the date of referral [if the investigation under
9 § 5-706 of this subtitle concludes that the report is unsubstantiated, and no further
10 reports of abuse or neglect are received during the 5 years; and

11 (2) within 120 days after the date of referral if the report is ruled out,
12 and no further reports of abuse or neglect are received during the 120 days].

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2011.