

HOUSE BILL 428

D4, O4

3lr2068

By: **Delegates K. Kelly, Dumais, and Simmons**

Introduced and read first time: January 28, 2013

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 19, 2013

CHAPTER _____

1 AN ACT concerning

2 **Child Abuse and Neglect – Reports and Records – Disclosure to Public**
3 **Institutions of Higher Education**

4 FOR the purpose of authorizing the disclosure of a report or record of child abuse or
5 neglect to the presidents of certain public ~~higher education~~ institutions of
6 higher education or the Chancellor of the University System of Maryland for
7 certain purposes if the abuse was committed under certain circumstances; and
8 generally relating to disclosure of reports and records of child abuse and neglect.

9 BY repealing and reenacting, without amendments,
10 Article – Human Services
11 Section 1–202(a)
12 Annotated Code of Maryland
13 (2007 Volume and 2012 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Human Services
16 Section 1–202(c)
17 Annotated Code of Maryland
18 (2007 Volume and 2012 Supplement)

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

21 **Article – Human Services**

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.



1 1–202.

2 (a) Except as otherwise provided in Title 5, Subtitles 7 and 12 of the Family
3 Law Article, § 1–203 of this subtitle, and this section, a person may not disclose a
4 report or record concerning child abuse or neglect.

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

6 (1) may be disclosed on request to:

7 (i) personnel of the Social Services Administration or a local
8 department of social services, law enforcement personnel, and members of
9 multidisciplinary case consultation teams, including an addiction specialist as defined
10 in Title 5, Subtitle 12 of the Family Law Article or § 5–314 of this article, who are
11 investigating a report of known or suspected child abuse or neglect or providing
12 services to or assessing a child or family that is the subject of the report;

13 (ii) local or State officials responsible for the administration of
14 child protective services, or child care, foster care, or adoption licensing, approval, or
15 regulations, as necessary to carry out their official functions;

16 (iii) the State Council on Child Abuse and Neglect or its
17 designee, the State Citizens Review Board for Children or its designee, or a child
18 fatality review team, as necessary to carry out their official functions;

19 (iv) a person who is the alleged abuser or neglector, if that
20 person is responsible for the child’s welfare and provisions are made for the protection
21 of the identity of the reporter or any other person whose life or safety is likely to be
22 endangered by disclosing the information;

23 (v) a licensed practitioner who, or an agency, institution, or
24 program that, is providing treatment or care to a child who is the subject of a report of
25 child abuse or neglect for a purpose relevant to the treatment or care;

26 (vi) a parent or other person who has permanent or temporary
27 care and custody of the child, if provisions are made for the protection of the identity of
28 the reporter or any other person whose life or safety is likely to be endangered by
29 disclosing the information;

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

35 A. a public school employee in that school system;

1 B. an employee of that nonpublic school;

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

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

7 2. if the report concerns suspected child abuse involving
8 a student committed by an employee, independent contractor, or employee of an
9 independent contractor described in item 1 of this item and employed by a nonpublic
10 school under the jurisdiction of the superintendent of schools for the Archdiocese of
11 Baltimore, the Archdiocese of Washington, or the Catholic Diocese of Wilmington, the
12 appropriate superintendent of schools;

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

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

21 (x) subject to subsection (d) of this section, a licensed
22 practitioner of a hospital or birthing center to make discharge decisions concerning a
23 child, when the practitioner suspects that the child may be in danger after discharge
24 based on the practitioner's observation of the behavior of the child's parents or
25 immediate family members; [and] OR

26 (XI) THE PRESIDENT OF A MARYLAND PUBLIC SENIOR
27 HIGHER EDUCATION INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN §
28 10-101 OF THE EDUCATION ARTICLE, OR THE CHANCELLOR OF THE
29 UNIVERSITY SYSTEM OF MARYLAND, TO CARRY OUT APPROPRIATE PERSONNEL
30 OR ADMINISTRATIVE ACTIONS FOLLOWING A REPORT OF CHILD ABUSE
31 COMMITTED:

32 1. ~~BY A CURRENT OR FORMER~~ AN EMPLOYEE OF THE
33 INSTITUTION; WHO HAS ON-CAMPUS CONTACT WITH CHILDREN; OR

34 2. BY A CONTRACTOR, AN EMPLOYEE OF A
35 CONTRACTOR, OR A VOLUNTEER OF THE INSTITUTION WHO HAS ON-CAMPUS
36 CONTACT WITH CHILDREN;

1 ~~3. IN CONNECTION WITH A PROGRAM, A CAMP, OR~~
 2 ~~ANOTHER ACTIVITY SPONSORED, RECOGNIZED, OR APPROVED BY THE~~
 3 ~~INSTITUTION; OR~~

4 ~~4. ON INSTITUTION PROPERTY; AND~~

5 (2) may be disclosed by the Department of Human Resources to the
 6 operator of a child care center that is required to be licensed or to hold a letter of
 7 compliance under Title 5, Subtitle 5, Part VII of the Family Law Article or to a family
 8 child care provider who is required to be registered under Title 5, Subtitle 5, Part V of
 9 the Family Law Article, to determine the suitability of an individual for employment
 10 in the child care center or family child care home.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 12 October 1, 2013.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.