

Department of Legislative Services  
Maryland General Assembly  
2013 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 428  
Judiciary

(Delegate K. Kelly, *et al.*)

Judicial Proceedings

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**Child Abuse and Neglect - Reports and Records - Disclosure to Public Institutions  
of Higher Education**

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This bill authorizes the disclosure of reports or records concerning child abuse or neglect to the president of a State public institution of higher education or the Chancellor of the University System of Maryland for the purpose of carrying out appropriate personnel or administrative actions under specified circumstances. The records may be disclosed following a report of child abuse committed by (1) an employee of the institution who has on-campus contact with children or (2) a contractor, an employee of a contractor, or a volunteer of the institution who has on-campus contact with children.

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**Fiscal Summary**

**State Effect:** The bill's changes can be handled with existing resources.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** All records and reports about child abuse and neglect are confidential; however, records of child abuse or neglect must be disclosed pursuant to an order of the court or an administrative law judge. Child abuse and neglect records may be disclosed on request to employees or persons of interest as specified in statute, including specified personnel of the Department of Human Resources and local departments of social services, law enforcement personnel, and individuals who are providing treatment or care to a child who is the subject of a report of child abuse or neglect.

A report may be disclosed to the appropriate public school superintendent or the principal or equivalent employee of a nonpublic school, as specified, to carry out appropriate personnel or administrative actions following a report of suspected child abuse involving a student committed by (1) a public school employee in that school system; (2) an employee of that nonpublic school; (3) an independent contractor who supervises or works directly with students in that school system or nonpublic school; or (4) an employee of an independent contractor, including a bus driver or bus assistant, who supervises or works directly with students in that school system or that nonpublic school.

Unauthorized disclosure of child abuse or neglect records is a misdemeanor and is subject to up to 90 days imprisonment and/or a fine of up to \$500.

An institution of higher education means an institution of postsecondary education that generally limits enrollment to graduates of secondary schools, and awards degrees at either the associate, baccalaureate, or graduate level.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Baltimore City Community College, Department of Human Resources, Maryland Higher Education Commission, Judiciary (Administrative Office of the Courts), Morgan State University, University System of Maryland, Department of Legislative Services

**Fiscal Note History:** First Reader - February 18, 2013  
ncs/kdm Revised - House Third Reader - March 26, 2013

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