

Article - Family Law

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§5-714.

(a) The Social Services Administration and each local department may maintain a central registry of cases reported under this subtitle.

(b) (1) Each local department shall provide the information for a central registry.

(2) Except for identifying information authorized under subsection (d) of this section, a central registry may not include information from a local department case file until any individual found responsible for indicated or unsubstantiated child abuse or neglect has:

(i) been found guilty of any criminal charge arising from the alleged abuse or neglect;

(ii) unsuccessfully appealed the finding in accordance with the procedures established under § 5-706.1 of this subtitle; or

(iii) failed to exercise the appeal rights within the time frames specified in § 5-706.1 of this subtitle, Title 10, Subtitle 2 of the State Government Article, or the Maryland Rules.

(c) The information in a central registry shall be at the disposal of:

(1) the protective services staff of the Administration;

(2) the protective services staffs of local departments who are investigating a report of suspected abuse or neglect; and

(3) law enforcement personnel who are investigating a report of suspected abuse or neglect.

(d) (1) Except as provided in paragraph (2) of this subsection, and subject to subsection (e) of this section, a central registry may contain identifying information related to an investigation of abuse or neglect.

(2) A central registry may not contain identifying information related to an investigation of abuse or neglect if:

(i) abuse or neglect has been ruled out; or

(ii) the abuse or neglect finding has been expunged in accordance with § 5-707(b)(1) of this subtitle.

(e) (1) The Department or a local department may identify an individual as responsible for abuse or neglect in a central registry only if the individual:

(i) has been found guilty of any criminal charge arising out of the alleged abuse or neglect; or

(ii) has been found responsible for indicated abuse or neglect and has:

1. unsuccessfully appealed the finding in accordance with the procedures established under § 5-706.1 of this subtitle; or

2. failed to exercise the individual's appeal rights within the time frames specified in § 5-706.1 of this subtitle, Title 10, Subtitle 2 of the State Government Article, or the Maryland Rules.

(2) The Department without the necessity of a request shall remove from the name of an individual described in paragraph (1) of this subsection the identification of that individual as responsible for abuse or neglect if no entry has been made for that individual for 7 years after the entry of the individual's name in a registry.

(f) (1) Except for information entered in accordance with subsection (e) of this section, information in a central registry may not be used as a sole basis for responding to any request for background information for employment or voluntary service.

(2) An official or employee of the Department or a local department who releases information from a central registry in violation of paragraph (1) of this subsection is subject to the penalty provided in § 1-202(f) of the Human Services Article.

(g) Notwithstanding any other provision of law, the central registry may not include the identity of an individual related to an investigation of neglect or found responsible for neglect when:

(1) a child has been released from a hospital or other facility;

(2) the child has been diagnosed with a mental disorder or developmental disability; and

(3) the individual has failed to take the child home due to a reasonable fear for the safety of the child or child's family.

(h) The Secretary of Human Resources:

(1) shall adopt regulations necessary to protect the rights of individuals suspected of abuse or neglect; and

(2) may adopt regulations to implement the provisions of this section.

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