

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE
Revised

House Bill 386
Judiciary

(Delegate Valentino-Smith)

Judicial Proceedings

Child Abuse and Neglect - Centralized Confidential Database

This bill alters provisions of law regarding the database maintained by the Department of Human Resources (DHR) that contains information regarding child abuse and neglect investigations to authorize the sharing of information regarding child abuse and neglect investigations among all local departments of social services in the State.

Fiscal Summary

State Effect: None. The bill does not affect State finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary/Current Law: Under current law, the Social Services Administration (SSA) in DHR and each local department of social services are authorized to maintain a confidential computerized database known as the “central registry,” which contains information regarding child abuse and neglect investigations. Local departments provide information for the registry. Registry information is available to the protective staff of DHR, local departments, and law enforcement personnel who are investigating a report of suspected abuse or neglect. The “central registry” does not include a local department case file.

This bill repeals references to a central registry and instead defines a “centralized confidential database” as DHR’s confidential computerized data system that contains

information regarding child abuse and neglect investigations and assessments. The bill establishes that SSA may maintain a centralized confidential database and that each local department must enter and have access to information in the database related to reports, investigations, and assessments of suspected abuse and neglect. The bill also specifies that the information in the centralized confidential database is accessible only to the protective services staff of SSA and local departments and individuals or entities specifically authorized by law to access the information.

Under current law, within 30 days after the completion of an investigation in which there has been a finding of indicated (a finding that there is credible evidence, which has not been satisfactorily refuted, that abuse, neglect, or sexual abuse did occur) or unsubstantiated (a finding that there is insufficient evidence to support a finding of indicated or ruled out) abuse or neglect, the local department must notify in writing the individual alleged to have abused or neglected a child of specified items, including that if the individual has been found responsible for indicated abuse or neglect, the individual may be identified as such in the central registry under specified circumstances. An individual may be identified as responsible for abuse or neglect in a central registry if the individual has (1) been found guilty of any criminal charge arising out of the alleged abuse or neglect or (2) been found responsible for indicated abuse or neglect and has unsuccessfully appealed the finding or failed to exercise appeal rights. This bill specifies that an individual may be identified as responsible for abuse and neglect in the centralized confidential database, in accordance with the above provisions.

Under current law, except for information entered in accordance with the requirements concerning the identification of an individual as responsible for abuse or neglect, the information in a central registry may not be used as a sole basis for responding to any request for background information for employment or for voluntary service. The bill establishes that unless an individual has been identified as responsible for abuse or neglect in the centralized confidential database, information in the database may not be provided in response to any request for background information for employment or voluntary service.

The bill repeals prohibitions against a central registry including information from a local department case file until any individual found responsible for indicated or unsubstantiated child abuse or neglect has been found guilty of any criminal charge arising out of the alleged abuse or neglect and has unsuccessfully appealed the finding or failed to exercise the appeal rights within specified timeframes.

The bill also repeals prohibitions against a central registry containing identifying information relating to an investigation of abuse or neglect if the abuse or neglect has been ruled out (a finding that abuse, neglect, or sexual abuse did not occur) or if the finding has been expunged in accordance with statutory provisions. The bill repeals a requirement for

DHR to remove from the name of such an individual the designation as responsible for abuse and neglect if no entry has been made for that individual for seven years after the entry of the individual's name in a registry. The bill establishes that the centralized confidential database may not contain any information that is required to be expunged in accordance with statutory provisions.

Child Abuse and Neglect Records

Pursuant to § 1-202 of the Human Services Article, reports and records concerning child abuse and neglect are confidential and may not be disclosed unless permitted by one of a number of statutory exceptions. An unauthorized disclosure is a misdemeanor subject to imprisonment not exceeding 90 days and/or a fine not exceeding \$500.

Expungement of Records

Under current law, if the report is "ruled out," and no further reports are received during the next 120 days, the local department must expunge the report and all assessments and investigative findings within 120 days after the date of referral.

The local department must expunge a report of suspected abuse or neglect, all assessments, and investigative findings, within five years after the date of referral, if the local department concludes that the report is "unsubstantiated" and no further reports of abuse or neglect are received during the next five years.

Background: MD CHESSIE is the database used by DHR to track information regarding child abuse and neglect. MD CHESSIE consist of two parts, the "central registry" which is available to all local departments and the "local department case file" which is still part of the database but is only available to the local department that conducted the investigation. In order for a local department to see the case file of another local department, it must request access. Although identifying information (such as the names of involved parties) is entered in the central registry, if a report is assigned for investigation, notes are entered by a local caseworker into the local department case file. If an authorized worker is searching for a name in CHESSIE, the name comes up if the person is associated with an unsubstantiated finding less than five years old or an indicated finding.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - February 17, 2015
md/lgc Revised - Updated Information - February 20, 2015
Revised - House Third Reader - March 26, 2015

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