

SENATE BILL 31

D4

(6lr0877)

ENROLLED BILL

— Judicial Proceedings/Judiciary —

Introduced by ~~Senator DeGrange~~ Senators DeGrange and Ready

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

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

4 FOR the purpose of ~~requiring a local department of social services to maintain certain~~
5 ~~reports of suspected abuse or neglect and all assessments and investigative findings~~
6 ~~for certain periods of time;~~ altering the time period ~~after~~ *within* which a local
7 department *of social services* is required to expunge certain reports and records of
8 suspected child abuse and neglect; authorizing a local department to immediately
9 expunge certain reports and records of suspected child abuse and neglect under
10 certain circumstances; and generally relating to reports of child abuse and neglect.

11 BY repealing and reenacting, with amendments,

12 Article – Family Law

13 Section 5–707

14 Annotated Code of Maryland

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.

Italics indicate opposite chamber/conference committee amendments.



(2012 Replacement Volume and 2015 Supplement)

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

Article – Family Law

5–707.

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

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

(2) conditions under which information may be released;

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

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

(b) (1) ~~{The} UNLESS AN INVESTIGATION UNDER § 5-706 OF THIS SUBTITLE FINDS THAT THE REPORT IS INDICATED OR THE LOCAL DEPARTMENT HAS RECEIVED ADDITIONAL REPORTS, THE~~ local department shall ~~{expunge}~~ **MAINTAIN** a report of suspected abuse or neglect and all assessments and investigative findings ~~FOR AT LEAST 5 YEARS AFTER THE DATE OF REFERRAL IF:~~

[(1)] (I) ~~{within 5 years after the date of referral if}~~ the investigation under § 5–706 of this subtitle concludes that the report is unsubstantiated, and no further reports of abuse or neglect are received during the 5 years; ~~{and} OR~~

[(2)] (II) [within 120 days after the date of referral if] **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, WITHIN 2 YEARS AFTER THE DATE OF REFERRAL IF** the report is ruled out, and no further reports of abuse or neglect are received during the [120 days] ~~5 YEARS~~ **2 YEARS**.

(2) ~~THE LOCAL DEPARTMENT SHALL EXPUNGE A REPORT OF SUSPECTED ABUSE OR NEGLECT AND ALL ASSESSMENTS AND INVESTIGATIVE FINDINGS AFTER THE EXPIRATION OF THE PERIOD ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION~~ **IF A REPORT IS RULED OUT, THE LOCAL DEPARTMENT MAY, ON GOOD CAUSE SHOWN, IMMEDIATELY EXPUNGE THE REPORT AND ALL ASSESSMENTS AND INVESTIGATIVE FINDINGS.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2016.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.