

# SENATE BILL 79

O4, D4

6lr0013

(PRE-FILED)

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By: **Chair, Judicial Proceedings Committee (By Request – Departmental – Office for Children)**

Requested: September 24, 2015

Introduced and read first time: January 13, 2016

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Citizens Review Board for Children – Penalties for Unauthorized**  
3 **Disclosure of Child Protection Case Information**

4 FOR the purpose of repealing the authority of the Special Secretary for Children, Youth,  
5 and Families to impose a civil penalty on members of the State Citizens Review  
6 Board for Children and the Board's designees and staff for unauthorized disclosure  
7 of certain child protection case information; authorizing the Secretary of Human  
8 Resources to impose a civil penalty on members of the Board and the Board's  
9 designees and staff for unauthorized disclosure of certain child protection case  
10 information; and generally relating to the State Citizens Review Board for Children.

11 BY repealing and reenacting, without amendments,  
12 Article – Family Law  
13 Section 5–535, 5–539, and 5–539.1(a) through (d)  
14 Annotated Code of Maryland  
15 (2012 Replacement Volume and 2015 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article – Family Law  
18 Section 5–539.3  
19 Annotated Code of Maryland  
20 (2012 Replacement Volume and 2015 Supplement)

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

23 **Article – Family Law**

24 5–535.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 There is a State Citizens Review Board for Children.

2 5-539.

3 (a) The State Board may adopt policies and procedures that:

4 (1) relate to the functions of the local boards; and

5 (2) are consistent with the goals set forth in § 5-544 of this subtitle.

6 (b) The State Board shall:

7 (1) provide a training program for members of the local boards and local  
8 citizens review panels;

9 (2) review and coordinate the activities of the local boards;

10 (3) adopt policies and procedures that relate to reports and any other  
11 information that is required for any public or private agency or institution;

12 (4) make recommendations to the Secretary of Human Resources and the  
13 General Assembly regarding:

14 (i) the response of the State to child abuse and neglect; and

15 (ii) out-of-home care policies, procedures, and practices; and

16 (5) subject to § 2-1246 of the State Government Article, report to the  
17 General Assembly and the Secretary of Human Resources on the first day of each year on  
18 the status of children in out-of-home placement in this State.

19 5-539.1.

20 (a) In addition to any duties set forth elsewhere, the State Board shall, by  
21 examining the policies, procedures, and practices of State and local agencies and by  
22 reviewing, where appropriate, specific cases, evaluate the extent to which State and local  
23 agencies are effectively discharging their child protection responsibilities in accordance  
24 with:

25 (1) the State plan under 42 U.S.C. § 5106a(b);

26 (2) the child protection standards set forth in 42 U.S.C. § 5106a(b); and

27 (3) any other criteria that the State Board considers important to ensure  
28 the protection of children, including:

1 (i) a review of the extent to which the State child protective services  
2 system is coordinated with the foster care and adoption program established under Part E  
3 of Title IV of the Social Security Act; and

4 (ii) a review of child fatalities and near fatalities.

5 (b) (1) Case reviews conducted under subsection (a) of this section shall  
6 include questions designed to meet the quality assessment goals for casework services in §  
7 5–1308 of this title.

8 (2) The State Board shall tabulate and analyze the results of all case  
9 reviews conducted under subsection (a) of this section and submit the results and findings  
10 for consideration as part of the local department self–assessment process in § 5–1309 of  
11 this title.

12 (3) The State Board shall tabulate and analyze the results of all case  
13 reviews, both on a jurisdictional and a statewide basis, and submit the results and findings  
14 to the Department on a quarterly basis.

15 (c) The State Board shall:

16 (1) provide for public outreach and comment; and

17 (2) make available to the public systemic findings and recommendations of  
18 the State Board, the local citizen review panel, if any, and the local boards.

19 (d) The State Board may:

20 (1) by a majority vote of its members add up to four members with expertise  
21 in the prevention and treatment of child abuse and neglect for the purpose of performing  
22 its duties under this section; and

23 (2) to assist the State Board in its reviews of specific cases, designate:

24 (i) local teams composed of members of local boards of out–of–home  
25 care of children and staff; or

26 (ii) local citizens review panels established under § 5–539.2 of this  
27 subtitle.

28 5–539.3.

29 (a) The members of the State Board and the Board’s designees and staff:

30 (1) may not disclose to any person or government official any identifying  
31 information about any specific child protection case about which the State Board is provided  
32 information; and

1                   (2)     may make public other information unless prohibited by law.

2                   (b)     In addition to any other penalties provided by law, the [Special Secretary for  
3 Children, Youth, and Families] **SECRETARY OF HUMAN RESOURCES** may impose on any  
4 person who violates subsection (a) of this section a civil penalty not exceeding \$500 for each  
5 violation.

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