

**By: Chairman, Commerce and Government Matters Committee (Departmental - Human Resources)**

Requested: October 17, 1995

Introduced and read first time: January 10, 1996

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Social Services - Confidentiality of Records**

3 FOR the purpose of providing that certain social service records and reports are  
4 confidential except under certain circumstances; providing that certain reports and  
5 records may be disclosed under certain circumstances; making stylistic changes; and  
6 generally relating to confidentiality and social services, medical assistance, public  
7 assistance, and child abuse and neglect records.

8 BY repealing and reenacting, with amendments,  
9 Article 88A - Social Services Administration  
10 Section 6  
11 Annotated Code of Maryland  
12 (1995 Replacement Volume)

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

15 **Article 88A - Social Services Administration**

16 6.

17 (a) Except in accordance with a court order or to an authorized officer or  
18 employee of the State, ANOTHER STATE OR LOCAL GOVERNMENT, or the United  
19 States, or a fiduciary institution having a right thereto in an official capacity, and as  
20 necessary to discharge responsibilities to administer public assistance, medical assistance,  
21 or social services programs, it shall be unlawful for any person or persons to divulge or  
22 make known in any manner any information concerning any applicant for or recipient of  
23 social services, child welfare services, cash assistance, food stamps, or medical assistance,  
24 directly or indirectly derived from the records, papers, files, investigations or  
25 communications of the State, county or city, or subdivisions or agencies thereof, or  
26 acquired in the course of the performance of official duties.

27 (b) Except as otherwise provided in Title 5, Subtitle 7 of the Family Law Article,  
28 all records and reports concerning child abuse or neglect are confidential, and their  
29 unauthorized disclosure is a criminal offense subject to the penalty set out in subsection

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1 (e) of this section. [Information contained in reports] REPORTS or records concerning  
2 child abuse or neglect may be disclosed only:

3 (1) Under a court order OR, IF THE REQUEST FOR DISCLOSURE  
4 CONCERNS A CASE PENDING BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS  
5 AND PROVISIONS ARE MADE TO COMPLY WITH OTHER STATE OR FEDERAL  
6 CONFIDENTIALITY LAWS AND TO PROTECT THE IDENTITY OF THE REPORTER OR  
7 OTHER PERSON WHOSE LIFE OR SAFETY IS LIKELY TO BE ENDANGERED BY  
8 DISCLOSURE, UNDER AN ORDER OF AN ADMINISTRATIVE LAW JUDGE;

9 (2) To personnel of ANY local or State [departments] DEPARTMENT of  
10 Social Services, law enforcement personnel, and members of multidisciplinary case  
11 consultation teams, who are investigating a report of known or suspected child abuse or  
12 neglect or who are providing services to a child or family that is the subject of the report;

13 (3) To local or State officials responsible for the administration of the child  
14 protective service OR CHILD CARE LICENSING AND REGULATIONS as necessary to carry  
15 out their official functions;

16 (4) To a person who is the alleged child abuser or the person who is  
17 suspected of child neglect if that person is responsible for the child's welfare and  
18 provisions are made for the protection of the identity of the reporter or any other person  
19 whose life or safety is likely to be endangered by disclosing the information;

20 (5) To a licensed practitioner who, or an agency, institution, or program  
21 which is providing treatment or care to a child who is the subject of a report of child  
22 abuse or neglect;

23 (6) To a parent or other person who has permanent or temporary care and  
24 custody of a child, if provisions are made for the protection of the identity of the reporter  
25 or any other person whose life or safety is likely to be endangered by disclosing the  
26 information; [or]

27 (7) To the appropriate public school superintendent for the purpose of  
28 carrying out appropriate personnel actions following a report of suspected child abuse  
29 involving a student committed by a public school employee in that school system[.]; OR

30 (8) TO THE DIRECTOR OF A LICENSED CHILD CARE FACILITY OR  
31 LICENSED CHILD PLACEMENT AGENCY FOR THE PURPOSE OF CARRYING OUT  
32 APPROPRIATE PERSONNEL ACTIONS FOLLOWING A REPORT OF SUSPECTED CHILD  
33 NEGLECT OR ABUSE COMMITTED BY AN EMPLOYEE OF THE FACILITY OR AGENCY  
34 AND INVOLVING A CHILD WHO IS CURRENTLY OR WHO WAS PREVIOUSLY UNDER  
35 THAT FACILITY OR AGENCY'S CARE.

36 (c) Nothing in this section shall be construed to prohibit:

37 (1) The publication, for administrative or research purposes, of statistics or  
38 other data so classified as to prevent the identification of particular persons or cases;

39 (2) The Department of Human Resources from obtaining an individual's  
40 financial records from a fiduciary institution in the course of verifying the individual's  
41 eligibility for public assistance; or

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1 (3) Disclosures as permitted by § 1-303 of the Financial Institutions Article  
2 [of the Code].

3 (d) The [Social Services Administration] DEPARTMENT OF HUMAN  
4 RESOURCES shall issue regulations governing access to and use of confidential  
5 information which is in the possession of the [Administration] DEPARTMENT or local  
6 departments of social services.

7 (e) Any offense against the provisions of this section shall be a misdemeanor and  
8 shall be punishable by a fine not exceeding [five hundred dollars (\$500)] \$500 or  
9 imprisonment for not exceeding [ninety] 90 days, or both, in the discretion of the court.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 1996.