

HOUSE BILL 958

Unofficial Copy
D4

1999 Regular Session
9lr2325
CF SB 464

By: **Delegates Doory, Pitkin, Menes, Hixson, Grosfeld, Petzold, and Franchot**

Introduced and read first time: February 12, 1999
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 27, 1999

CHAPTER _____

1 AN ACT concerning

2 **Child Welfare - Citizen Review Panels and Child Fatality Review Teams**

3 FOR the purpose of authorizing certain confidential reports and records concerning
4 child abuse and neglect to be disclosed to the State Council on Child Abuse and
5 Neglect, the State Citizens Review Board for Children, or their designees, or a
6 child fatality review team under certain circumstances; renaming the State
7 Citizen Board of Review of Foster Care for Children to be the State Citizens
8 Review Board for Children; expanding the duties of the State Citizens Review
9 Board for Children to include training local citizens review panels and
10 examining the policies and procedures of State and local agencies and certain
11 specific cases to evaluate the extent to which State and local agencies are
12 effectively discharging their child protection responsibilities; authorizing the
13 State Board to add certain members for the purpose of performing certain
14 duties; authorizing the State Board to designate certain local teams or panels to
15 conduct reviews of specific cases; requiring the State Board to develop certain
16 protocols governing local citizens review panels; requiring the State Board to
17 prepare and make available a certain annual report; requiring the State
18 Citizens Review Board for Children, local citizens review panels, the State
19 Council on Child Abuse and Neglect, and the State Child Fatality Review Team
20 to coordinate certain activities; authorizing local governments to establish local
21 citizens review panels; establishing the membership of the local panels;
22 specifying the duties of the local panels; establishing the State Council on Child
23 Abuse and Neglect; providing that the State Council is part of the Office for
24 Children, Youth, and Families for budgetary and administrative purposes;
25 establishing the membership of the Council; specifying the terms of certain
26 members of the Council; requiring the Governor to select the chairperson of the
27 Council; requiring the Council to meet at a certain frequency; prohibiting the

1 members from receiving compensation; authorizing reimbursement for certain
 2 expenses; authorizing the Council to employ a staff; establishing committees;
 3 establishing the duties of the Council; authorizing the Council to request that
 4 certain actions be taken by local citizens review panels; prohibiting certain
 5 persons from disclosing certain information; authorizing the Special Secretary
 6 for Children, Youth, and Families to impose certain civil penalties; requiring
 7 State and local government units to provide certain information to the Council;
 8 requiring certain annual reports; requiring a health care provider to disclose a
 9 medical record without the authorization of the person in interest to a child
 10 fatality review team; requiring the office of the Chief Medical Examiner to notify
 11 the chairperson of a local child fatality review team under certain
 12 circumstances; establishing the State Child Fatality Review Team; providing
 13 that the State Team is part of the Department of Health and Mental Hygiene for
 14 budgetary and administrative purposes; establishing the membership of the
 15 State Team; providing for staffing; requiring the ~~Governor~~ State Team to select
 16 the chairperson of the State Team; prohibiting the members from receiving
 17 compensation; authorizing reimbursement for certain expenses; requiring the
 18 State Team to meet at a certain frequency; establishing the purpose and duties
 19 of the State Team; establishing local child fatality review teams; establishing
 20 the membership of the local teams; ~~providing for staffing~~; requiring each local
 21 team to elect a chairperson; establishing the purpose and duties of the local
 22 teams; ~~requiring the local teams to take certain actions in response to a report of~~
 23 ~~an unexpected child death~~; requiring certain persons to provide a local team
 24 with certain information and records; making certain information confidential;
 25 defining certain terms; and generally relating to child safety and welfare.

26 BY repealing and reenacting, with amendments,
 27 Article 88A - Department of Human Resources
 28 Section 6
 29 Annotated Code of Maryland
 30 (1998 Replacement Volume)

31 BY repealing and reenacting, with amendments,
 32 Article - Family Law
 33 Section 5-535, 5-538(a), ~~5-539~~, and 5-546
 34 Annotated Code of Maryland
 35 (1999 Replacement Volume)

36 ~~BY repealing and reenacting, without amendments,~~
 37 ~~Article - Family Law~~
 38 ~~Section 5-539~~
 39 ~~Annotated Code of Maryland~~
 40 ~~(1999 Replacement Volume)~~

41 BY adding to
 42 Article - Family Law

1 Section ~~5-539.1 and 5-539.2~~; through 5-539.3; and 5-7A-01 through 5-7A-09
2 to be under the new subtitle "Subtitle 7A. State Council on Child Abuse
3 and Neglect"
4 Annotated Code of Maryland
5 (1999 Replacement Volume)

6 BY repealing and reenacting, with amendments,
7 Article - Health - General
8 Section 4-306 and 5-309
9 Annotated Code of Maryland
10 (1994 Replacement Volume and 1998 Supplement)

11 BY adding to
12 Article - Health - General
13 Section 5-701 through ~~5-710~~ 5-709, inclusive, to be under the new subtitle
14 "Subtitle 7. Child Fatality Review Teams"
15 Annotated Code of Maryland
16 (1994 Replacement Volume and 1998 Supplement)

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

19 **Article 88A - Department of Human Resources**

20 6.

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

31 (b) Except as otherwise provided in Title 5, Subtitle 7 of the Family Law
32 Article and § 6A of this subtitle, all records and reports concerning child abuse or
33 neglect are confidential, and their unauthorized disclosure is a criminal offense
34 subject to the penalty set out in subsection (e) of this section. Reports or records
35 concerning child abuse or neglect may be disclosed only:

36 (1) (i) Under a court order; or

37 (ii) Under an order of an administrative law judge, if the request for
38 disclosure concerns a case pending before the office of administrative hearings and

1 provisions are made to comply with other State or federal confidentiality laws and to
2 protect the identity of the reporter or other person whose life or safety is likely to be
3 endangered by disclosure;

4 (2) To personnel of local or State departments of social services, law
5 enforcement personnel, and members of multidisciplinary case consultation teams,
6 who are investigating a report of known or suspected child abuse or neglect or who
7 are providing services to a child or family that is the subject of the report;

8 (3) To local or State officials responsible for the administration of the
9 child protective service or child care licensing and regulations as necessary to carry
10 out their official functions;

11 (4) TO THE STATE COUNCIL ON CHILD ABUSE AND NEGLECT, THE STATE
12 CITIZENS REVIEW BOARD FOR CHILDREN, OR THEIR DESIGNEES, OR A CHILD
13 FATALITY REVIEW TEAM AS NECESSARY TO CARRY OUT THEIR OFFICIAL FUNCTIONS;

14 [(4)] (5) To a person who is the alleged child abuser or the person who is
15 suspected of child neglect if that person is responsible for the child's welfare and
16 provisions are made for the protection of the identity of the reporter or any other
17 person whose life or safety is likely to be endangered by disclosing the information;

18 [(5)] (6) To a licensed practitioner who, or an agency, institution, or
19 program which is providing treatment or care to a child who is the subject of a report
20 of child abuse or neglect for a purpose relevant to the provision of the treatment or
21 care;

22 [(6)] (7) To a parent or other person who has permanent or temporary
23 care and custody of a child, if provisions are made for the protection of the identity of
24 the reporter or any other person whose life or safety is likely to be endangered by
25 disclosing the information;

26 [(7)] (8) To the appropriate public school superintendent for the purpose
27 of carrying out appropriate personnel actions following a report of suspected child
28 abuse involving a student committed by a public school employee in that school
29 system; or

30 [(8)] (9) To the director of a licensed child care facility or licensed child
31 placement agency for the purpose of carrying out appropriate personnel actions
32 following a report of suspected child neglect or abuse alleged to have been committed
33 by an employee of the facility or agency and involving a child who is currently or who
34 was previously under that facility or agency's care.

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

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

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

4 (3) Disclosures as permitted by § 1-303 of the Financial Institutions
5 Article.

6 (d) The Department of Human Resources shall issue regulations governing
7 access to and use of confidential information which is in the possession of the
8 Department or local departments of social services.

9 (e) Any offense against the provisions of this section shall be a misdemeanor
10 and shall be punishable by a fine not exceeding \$500 or imprisonment for not
11 exceeding 90 days, or both, in the discretion of the court.

12 **Article - Family Law**

13 5-535.

14 There is a State [Citizen] CITIZENS REVIEW Board [of Review of Foster Care]
15 for Children.

16 5-538.

17 (a) The State Board shall meet [at least twice each year] NOT LESS THAN
18 ONCE EVERY 3 MONTHS and more frequently on the call of the chairman.

19 5-539.

20 (a) (1) The State Board may adopt policies and procedures that:

21 (i) relate to the functions of the local boards; and

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

23 (2) If the Administration concurs, the State Board may establish
24 categories of children in out-of-home placement for whom a satisfactory permanent
25 placement has been made and who may be exempt from review by the local boards.

26 (b) The State Board shall:

27 (1) provide a training program for members of the local boards AND
28 LOCAL CITIZENS REVIEW PANELS;

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

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

32 (4) make recommendations to the General Assembly that relate to
33 out-of-home placement policies and procedures; and

1 (5) subject to § 2-1246 of the State Government Article, report to the
2 General Assembly on the first day of each year on the status of children in
3 out-of-home placement in this State.

4 5-539.1.

5 (A) IN ADDITION TO ANY DUTIES SET FORTH ELSEWHERE, THE STATE BOARD
6 SHALL, BY EXAMINING THE POLICIES AND PROCEDURES OF STATE AND LOCAL
7 AGENCIES AND SPECIFIC CASES THAT THE STATE BOARD CONSIDERS NECESSARY TO
8 PERFORM ITS DUTIES UNDER THIS SECTION, EVALUATE THE EXTENT TO WHICH
9 STATE AND LOCAL AGENCIES ARE EFFECTIVELY DISCHARGING THEIR CHILD
10 PROTECTION RESPONSIBILITIES IN ACCORDANCE WITH:

11 (1) THE STATE PLAN UNDER 42 U.S.C. § 5106A(B);

12 (2) THE CHILD PROTECTION STANDARDS SET FORTH IN 42 U.S.C. §
13 5106A(B); AND

14 (3) ANY OTHER CRITERIA THAT THE STATE BOARD CONSIDERS
15 IMPORTANT TO ENSURE THE PROTECTION OF CHILDREN, INCLUDING:

16 (I) A REVIEW OF THE EXTENT TO WHICH THE STATE CHILD
17 PROTECTIVE SERVICES SYSTEM IS COORDINATED WITH THE FOSTER CARE AND
18 ADOPTION PROGRAM ESTABLISHED UNDER PART E OF TITLE IV OF THE SOCIAL
19 SECURITY ACT; AND

20 (II) A REVIEW OF CHILD FATALITIES AND NEAR FATALITIES.

21 (B) THE STATE BOARD MAY:

22 (1) BY A MAJORITY VOTE OF ITS MEMBERS ADD UP TO FOUR MEMBERS
23 WITH EXPERTISE IN THE PREVENTION AND TREATMENT OF CHILD ABUSE AND
24 NEGLECT FOR THE PURPOSE OF PERFORMING ITS DUTIES UNDER THIS SECTION;
25 AND

26 (2) TO ASSIST THE STATE BOARD IN ITS REVIEWS OF SPECIFIC CASES,
27 DESIGNATE:

28 (I) LOCAL TEAMS COMPOSED OF MEMBERS OF LOCAL BOARDS OF
29 OUT-OF-HOME PLACEMENT OF CHILDREN AND STAFF ~~TO CONDUCT REVIEWS OF~~
30 ~~SPECIFIC CASES; OR~~

31 (II) LOCAL CITIZENS REVIEW PANELS ESTABLISHED UNDER §
32 5-539.2 OF THIS SUBTITLE.

33 (C) IN CONSULTATION WITH LOCAL CITIZENS REVIEW PANELS AND THE
34 STATE COUNCIL ON CHILD ABUSE AND NEGLECT, THE STATE BOARD SHALL
35 DEVELOP PROTOCOLS THAT GOVERN THE SCOPE OF ACTIVITIES OF LOCAL CITIZENS
36 REVIEW PANELS TO REFLECT THE PROVISIONS OF THE FEDERAL CHILD ABUSE
37 PREVENTION AND TREATMENT ACT (42 U.S.C. § 5101 ET. SEQ.).

1 (D) THE STATE BOARD SHALL COORDINATE ITS ACTIVITIES UNDER THIS
2 SECTION WITH THE STATE COUNCIL ON CHILD ABUSE AND NEGLECT, LOCAL
3 CITIZENS REVIEW PANELS, AND THE CHILD FATALITY REVIEW TEAMS IN ORDER TO
4 AVOID UNNECESSARY DUPLICATION OF EFFORT.

5 ~~(D)~~ (E) THE STATE BOARD SHALL ANNUALLY PREPARE AND MAKE
6 AVAILABLE TO THE PUBLIC A REPORT CONTAINING A SUMMARY OF ITS ACTIVITIES
7 UNDER THIS SECTION.

8 5-539.2.

9 (A) (1) A LOCAL GOVERNMENT MAY ESTABLISH A LOCAL CITIZENS REVIEW
10 PANEL TO ASSIST AND ADVISE THE STATE BOARD AND THE STATE COUNCIL ON
11 CHILD ABUSE AND NEGLECT.

12 (2) TWO OR MORE COUNTIES MAY ESTABLISH A MULTICOUNTY LOCAL
13 CITIZENS REVIEW PANEL, IN ACCORDANCE WITH A MEMORANDUM OF
14 UNDERSTANDING EXECUTED BY THE MULTICOUNTY LOCAL PANEL.

15 (B) EXCEPT AS PROVIDED IN SUBSECTION (C)(2) OF THIS SECTION, THE
16 MEMBERS AND CHAIRMAN OF A LOCAL CITIZENS REVIEW PANEL SHALL BE
17 APPOINTED BY THE LOCAL GOVERNING BODY.

18 (C) MEMBERSHIP ON A LOCAL CITIZENS REVIEW PANEL SHALL BE
19 REPRESENTATIVE OF THE LOCAL JURISDICTION AND INCLUDE:

20 (1) INDIVIDUALS WITH EXPERTISE IN THE PREVENTION AND
21 TREATMENT OF CHILD ABUSE AND NEGLECT, SUCH AS CHILD ADVOCATES,
22 VOLUNTEERS OF THE COURT-APPOINTED SPECIAL ADVOCATE PROGRAM,
23 ATTORNEYS WHO REPRESENT CHILDREN, PARENT AND CONSUMER
24 REPRESENTATIVES, LAW ENFORCEMENT REPRESENTATIVES, AND HEALTH AND
25 HUMAN SERVICES PROFESSIONALS; AND

26 (2) ONE MEMBER FROM THE LOCAL JURISDICTION, WHO IS APPOINTED
27 BY THE STATE BOARD AND ONE WHO IS APPOINTED BY THE STATE COUNCIL ON
28 CHILD ABUSE AND NEGLECT.

29 (D) A LOCAL PANEL SHALL:

30 (1) EVALUATE THE EXTENT TO WHICH STATE AND LOCAL AGENCIES IN
31 THAT JURISDICTION ARE EFFECTIVELY FULFILLING THEIR RESPONSIBILITIES IN
32 ACCORDANCE WITH THE CHILD PROTECTION STANDARDS AND THE STATE PLAN
33 UNDER 42 U.S.C. § 5106A(B) AND ANY OTHER CRITERIA THAT THE PANEL CONSIDERS
34 IMPORTANT FOR THE PROTECTION OF CHILDREN;

35 (2) ISSUE REPORTS ON ITS FINDINGS TO THE STATE BOARD AND THE
36 STATE COUNCIL ON CHILD ABUSE AND NEGLECT; AND

37 (3) CARRY OUT OTHER DUTIES AS REQUESTED TO ASSIST THE STATE
38 BOARD AND THE STATE COUNCIL ON CHILD ABUSE AND NEGLECT.

1 5-539.3.

2 (A) THE MEMBERS OF THE STATE BOARD AND THE BOARD'S DESIGNEES AND
3 STAFF:

4 (1) MAY NOT DISCLOSE TO ANY PERSON OR GOVERNMENT OFFICIAL
5 ANY IDENTIFYING INFORMATION ABOUT ANY SPECIFIC CHILD PROTECTION CASE
6 ABOUT WHICH THE STATE BOARD IS PROVIDED INFORMATION; AND

7 (2) MAY MAKE PUBLIC OTHER INFORMATION UNLESS PROHIBITED BY
8 LAW.

9 (B) IN ADDITION TO ANY OTHER PENALTIES PROVIDED BY LAW, THE SPECIAL
10 SECRETARY FOR CHILDREN, YOUTH, AND FAMILIES MAY IMPOSE ON ANY PERSON
11 WHO VIOLATES SUBSECTION (A) OF THIS SECTION A CIVIL PENALTY NOT EXCEEDING
12 \$500 FOR EACH VIOLATION.

13 5-546.

14 [Each] A public or private agency or institution [that provides or arranges
15 out-of-home placement for minor children under the jurisdiction of the local
16 department] shall give to the State Board and local boards any information that the
17 boards request to perform their duties.

18 SUBTITLE 7A. STATE COUNCIL ON CHILD ABUSE AND NEGLECT.

19 5-7A-01.

20 (A) THERE IS A STATE COUNCIL ON CHILD ABUSE AND NEGLECT.

21 (B) THE COUNCIL IS PART OF THE OFFICE FOR CHILDREN, YOUTH, AND
22 FAMILIES FOR BUDGETARY AND ADMINISTRATIVE PURPOSES.

23 5-7A-02.

24 (A) THE COUNCIL CONSISTS OF UP TO 23 MEMBERS INCLUDING:

25 (1) A SENATOR DESIGNATED BY THE PRESIDENT OF THE SENATE OF
26 MARYLAND;

27 (2) A DELEGATE DESIGNATED BY THE SPEAKER OF THE MARYLAND
28 HOUSE OF DELEGATES;

29 (3) A REPRESENTATIVE OF THE DEPARTMENT OF HUMAN RESOURCES,
30 DESIGNATED BY THE SECRETARY;

31 (4) A REPRESENTATIVE OF THE DEPARTMENT OF HEALTH AND MENTAL
32 HYGIENE, DESIGNATED BY THE SECRETARY;

33 (5) A REPRESENTATIVE OF THE MARYLAND STATE DEPARTMENT OF
34 EDUCATION, DESIGNATED BY THE SUPERINTENDENT;

1 (6) A REPRESENTATIVE OF THE DEPARTMENT OF JUVENILE JUSTICE,
2 DESIGNATED BY THE SECRETARY;

3 (7) A REPRESENTATIVE OF THE JUDICIAL BRANCH, DESIGNATED BY THE
4 CHIEF JUDGE OF THE MARYLAND COURT OF APPEALS;

5 (8) A REPRESENTATIVE OF THE STATE'S ATTORNEYS' ASSOCIATION,
6 DESIGNATED BY THE ASSOCIATION;

7 (9) A PEDIATRICIAN WITH EXPERIENCE IN DIAGNOSING AND TREATING
8 INJURIES AND CHILD ABUSE AND NEGLECT, WHO SHALL BE APPOINTED BY THE
9 GOVERNOR FROM A LIST SUBMITTED BY THE MARYLAND CHAPTER OF THE
10 AMERICAN ACADEMY OF PEDIATRICS;

11 (10) MEMBERS OF THE GENERAL PUBLIC WITH INTEREST OR EXPERTISE
12 IN THE PREVENTION OR TREATMENT OF CHILD ABUSE AND NEGLECT WHO SHALL BE
13 APPOINTED BY THE GOVERNOR AND WHO SHALL INCLUDE REPRESENTATIVES FROM
14 PROFESSIONAL AND ADVOCACY GROUPS, PRIVATE SOCIAL SERVICE AGENCIES, AND
15 THE MEDICAL, LAW ENFORCEMENT, EDUCATION, AND RELIGIOUS COMMUNITIES;
16 AND

17 (11) AT LEAST TWO INDIVIDUALS WHO HAVE PERSONAL EXPERIENCE
18 WITH CHILD ABUSE AND NEGLECT WITHIN THEIR OWN FAMILIES OR WHO HAVE
19 BEEN CLIENTS OF THE CHILD PROTECTIVE SERVICES SYSTEM WHO SHALL BE
20 APPOINTED BY THE GOVERNOR.

21 (B) (1) THE TERM OF A MEMBER APPOINTED UNDER SUBSECTION (A)(9), (10),
22 OR (11) OF THIS SECTION IS 3 YEARS.

23 (2) AN APPOINTED MEMBER MAY SERVE UP TO TWO CONSECUTIVE
24 3-YEAR TERMS.

25 (3) THIS SECTION DOES NOT AFFECT THE TERM OF ANY PERSON WHO IS
26 A MEMBER OF THE GOVERNOR'S COUNCIL ON CHILD ABUSE AND NEGLECT ON JULY
27 1, 1999.

28 (4) IN CASE OF A VACANCY, THE GOVERNOR SHALL APPOINT A
29 SUCCESSOR FOR THE REMAINDER OF THE UNEXPIRED TERM.

30 (C) ALL OTHER MEMBERS OF THE COUNCIL SHALL CONTINUE IN OFFICE SO
31 LONG AS THEY HOLD THE REQUIRED QUALIFICATION AND DESIGNATION SPECIFIED
32 IN SUBSECTION (A)(1) THROUGH (8) OF THIS SECTION.

33 5-7A-03.

34 THE GOVERNOR SHALL SELECT A CHAIRPERSON FROM AMONG THE MEMBERS
35 OF THE COUNCIL.

1 5-7A-04.

2 (A) THE COUNCIL SHALL MEET NOT LESS THAN ONCE EVERY 3 MONTHS.

3 (B) MEMBERS OF THE COUNCIL SHALL SERVE WITHOUT COMPENSATION, BUT
4 MAY BE REIMBURSED FOR REASONABLE EXPENSES INCURRED IN THE
5 PERFORMANCE OF THEIR DUTIES IN ACCORDANCE WITH THE STANDARD STATE
6 TRAVEL REGULATIONS AND AS PROVIDED IN THE STATE BUDGET.

7 (C) THE COUNCIL MAY EMPLOY A STAFF IN ACCORDANCE WITH THE STATE
8 BUDGET.

9 5-7A-05.

10 (A) THE COUNCIL SHALL OPERATE WITH THREE STANDING COMMITTEES.

11 (B) THE CONFERENCE COMMITTEE SHALL BE RESPONSIBLE FOR PLANNING
12 AND IMPLEMENTING THE COUNCIL'S ANNUAL STATEWIDE CONFERENCE ON CHILD
13 ABUSE AND NEGLECT. IT SHALL INCLUDE REPRESENTATION FROM THE PUBLIC AND
14 PRIVATE SECTORS.

15 (C) THE LEGISLATIVE COMMITTEE SHALL BE RESPONSIBLE FOR REVIEWING
16 AND MAKING RECOMMENDATIONS CONCERNING LEGISLATION TO IMPROVE THE
17 STATE'S RESPONSE TO THE PROBLEM OF CHILD ABUSE AND NEGLECT.

18 (D) THE FEDERAL CHILDREN'S JUSTICE ACT COMMITTEE IS ESTABLISHED IN
19 ACCORDANCE WITH THE REQUIREMENTS OF THE FEDERAL CHILDREN'S JUSTICE
20 ACT, PUBLIC LAW 100-294. IT SHALL REVIEW AND EVALUATE STATE INVESTIGATIVE,
21 ADMINISTRATIVE, AND JUDICIAL HANDLING OF CHILD ABUSE AND NEGLECT CASES,
22 AND MAKE POLICY AND TRAINING RECOMMENDATIONS TO IMPROVE SYSTEM
23 RESPONSE AND INTERVENTION. THE COMMITTEE SHALL INCLUDE
24 REPRESENTATIVES OF THE STATE JUDICIARY WITH CRIMINAL AND CIVIL TRIAL
25 COURT DOCKET EXPERIENCE, LAW ENFORCEMENT AGENCIES, THE MARYLAND
26 PUBLIC DEFENDER'S OFFICE, STATE'S ATTORNEYS, THE COURT APPOINTED SPECIAL
27 ADVOCATE (CASA) PROGRAM, HEALTH AND MENTAL HEALTH PROFESSIONS, CHILD
28 PROTECTIVE SERVICES PROGRAMS, PROGRAMS THAT SERVE CHILDREN WITH
29 DISABILITIES, PARENT GROUPS, AND ATTORNEYS WHO REPRESENT CHILDREN.

30 (E) IN ADDITION TO THE THREE STANDING COMMITTEES, THE COUNCIL MAY
31 ESTABLISH OTHER AD HOC COMMITTEES AS NECESSARY TO CARRY OUT THE WORK
32 OF THE COUNCIL.

33 5-7A-06.

34 (A) IN ADDITION TO ANY DUTIES SET FORTH ELSEWHERE, THE COUNCIL
35 SHALL, BY EXAMINING THE POLICIES AND PROCEDURES OF STATE AND LOCAL
36 AGENCIES AND SPECIFIC CASES THAT THE COUNCIL CONSIDERS NECESSARY TO
37 PERFORM ITS DUTIES UNDER THIS SECTION, EVALUATE THE EXTENT TO WHICH
38 STATE AND LOCAL AGENCIES ARE EFFECTIVELY DISCHARGING THEIR CHILD
39 PROTECTION RESPONSIBILITIES IN ACCORDANCE WITH:

1 (1) THE STATE PLAN UNDER 42 U.S.C. § 5106A(B);

2 (2) THE CHILD PROTECTION STANDARDS SET FORTH IN 42 U.S.C. §
3 5106A(B); AND

4 (3) ANY OTHER CRITERIA THAT THE COUNCIL CONSIDERS IMPORTANT
5 TO ENSURE THE PROTECTION OF CHILDREN, INCLUDING:

6 (I) A REVIEW OF THE EXTENT TO WHICH THE STATE CHILD
7 PROTECTIVE SERVICES SYSTEM IS COORDINATED WITH THE FOSTER CARE AND
8 ADOPTION PROGRAM ESTABLISHED UNDER PART E OF TITLE IV OF THE SOCIAL
9 SECURITY ACT; AND

10 (II) A REVIEW OF CHILD FATALITIES AND NEAR FATALITIES.

11 (B) THE COUNCIL MAY REQUEST THAT A LOCAL CITIZENS REVIEW PANEL
12 ESTABLISHED UNDER § 5-539.2 OF THIS TITLE CONDUCT A REVIEW UNDER THIS
13 SECTION AND REPORT ITS FINDINGS TO THE COUNCIL.

14 (C) THE COUNCIL SHALL COORDINATE ITS ACTIVITIES UNDER THIS SECTION
15 WITH THE STATE CITIZENS REVIEW BOARD FOR CHILDREN, LOCAL CITIZENS REVIEW
16 PANELS, AND THE CHILD FATALITY REVIEW TEAMS IN ORDER TO AVOID
17 UNNECESSARY DUPLICATION OF EFFORT.

18 (D) THE CHAIRPERSON OF THE COUNCIL MAY DESIGNATE MEMBERS OF
19 THE CHILDREN'S JUSTICE ACT COMMITTEE AS SPECIAL MEMBERS OF THE COUNCIL
20 FOR THE PURPOSE OF CARRYING OUT THE DUTIES SET FORTH IN THIS SECTION.

21 5-7A-07.

22 (A) THE MEMBERS AND STAFF OF THE COUNCIL:

23 (1) MAY NOT DISCLOSE TO ANY PERSON OR GOVERNMENT OFFICIAL
24 ANY IDENTIFYING INFORMATION ABOUT ANY SPECIFIC CHILD PROTECTION CASE
25 ABOUT WHICH THE COUNCIL IS PROVIDED INFORMATION; AND

26 (2) MAY MAKE PUBLIC OTHER INFORMATION UNLESS PROHIBITED BY
27 LAW.

28 (B) IN ADDITION TO ANY OTHER PENALTIES PROVIDED BY LAW, THE SPECIAL
29 SECRETARY FOR CHILDREN, YOUTH, AND FAMILIES MAY IMPOSE ON ANY PERSON
30 WHO VIOLATES SUBSECTION (A) OF THIS SECTION A CIVIL PENALTY NOT EXCEEDING
31 \$500 FOR EACH VIOLATION.

32 5-7A-08.

33 A UNIT OF STATE OR LOCAL GOVERNMENT SHALL PROVIDE ANY INFORMATION
34 THAT THE COUNCIL REQUESTS TO CARRY OUT THE COUNCIL'S DUTIES UNDER §
35 5-7A-06 OF THIS SUBTITLE.

1 5-7A-09.

2 (A) THE COUNCIL SHALL REPORT AND MAKE RECOMMENDATIONS ANNUALLY
3 TO THE GOVERNOR AND THE GENERAL ASSEMBLY ON MATTERS RELATING TO THE
4 PREVENTION, DETECTION, PROSECUTION, AND TREATMENT OF CHILD ABUSE AND
5 NEGLECT, INCLUDING POLICY AND TRAINING NEEDS THAT REQUIRE THE
6 ATTENTION AND ACTION OF THE GOVERNOR OR THE GENERAL ASSEMBLY.

7 (B) THE COUNCIL SHALL ANNUALLY PREPARE AND MAKE AVAILABLE TO THE
8 PUBLIC A REPORT CONTAINING A SUMMARY OF ITS ACTIVITIES UNDER § 5-7A-05 OF
9 THIS SUBTITLE.

10 **Article - Health - General**

11 4-306.

12 (a) In this section, "compulsory process" includes a subpoena, summons,
13 warrant, or court order that appears on its face to have been issued on lawful
14 authority.

15 (b) A health care provider shall disclose a medical record without the
16 authorization of a person in interest:

17 (1) To a unit of State or local government, or to a member of a
18 multidisciplinary team assisting the unit, for purposes of investigation or treatment
19 in a case of suspected abuse or neglect of a child or an adult, subject to the following
20 conditions:

21 (i) The health care provider shall disclose only the medical record
22 of a person who is being assessed in an investigation or to whom services are being
23 provided in accordance with Title 5, Subtitle 7 or Title 14, Subtitle 3 of the Family
24 Law Article;

25 (ii) The health care provider shall disclose only the information in
26 the medical record that will, in the professional judgment of the provider, contribute
27 to the:

- 28 1. Assessment of risk;
- 29 2. Development of a service plan;
- 30 3. Implementation of a safety plan; or
- 31 4. Investigation of the suspected case of abuse or neglect; and

32 (iii) The medical record may be redisclosed as provided in Article
33 88A, § 6 of the Code;

34 (2) Subject to the additional limitations for a medical record developed
35 primarily in connection with the provision of mental health services in § 4-307 of this

1 subtitle, to health professional licensing and disciplinary boards, in accordance with a
2 subpoena for medical records for the sole purpose of an investigation regarding:

3 (i) Licensure, certification, or discipline of a health professional; or

4 (ii) The improper practice of a health profession;

5 (3) To a health care provider or the provider's insurer or legal counsel, all
6 information in a medical record relating to a patient or recipient's health, health care,
7 or treatment which forms the basis for the issues of a claim in a civil action initiated
8 by the patient, recipient, or person in interest;

9 (4) Notwithstanding any privilege in law, as needed, to a medical review
10 committee as defined in § 14-501 of the Health Occupations Article or a dental review
11 committee as defined in § 4-501 of the Health Occupations Article;

12 (5) To another health care provider as provided in § 19-308.2 or § 10-807
13 of this article;

14 (6) (i) Subject to the additional limitations for a medical record
15 developed primarily in connection with the provision of mental health services in §
16 4-307 of this subtitle and except as otherwise provided in items (2), (7), and (8) of this
17 subsection, in accordance with compulsory process, if the subpoena, summons,
18 warrant, or court order contains a certification that:

19 1. A copy of the subpoena, summons, warrant, or court order
20 has been served on the person whose records are sought by the party seeking the
21 disclosure or production of the records; or

22 2. Service of the subpoena, summons, warrant, or court order
23 has been waived by the court for good cause;

24 (ii) In accordance with a stipulation by a patient or person in
25 interest; or

26 (iii) In accordance with a discovery request permitted by law to be
27 made to a court, an administrative tribunal, or a party to a civil court, administrative,
28 or health claims arbitration proceeding;

29 (7) To grand juries, prosecution agencies, law enforcement agencies or
30 their agents or employees to further an investigation or prosecution, pursuant to a
31 subpoena, warrant, or court order for the sole purposes of investigating and
32 prosecuting criminal activity, provided that the prosecution agencies and law
33 enforcement agencies have written procedures to protect the confidentiality of the
34 records; [or]

35 (8) To the Maryland Insurance Administration when conducting an
36 investigation or examination pursuant to Title 2, Subtitle 2 of the Insurance Article,
37 provided that the Insurance Administration has written procedures to maintain the
38 confidentiality of the records; OR

1 (9) TO A STATE OR LOCAL CHILD FATALITY REVIEW TEAM ESTABLISHED
2 UNDER TITLE 5, SUBTITLE 7 OF THIS ARTICLE AS NECESSARY TO CARRY OUT ITS
3 OFFICIAL FUNCTIONS.

4 (c) When a disclosure is sought under this section:

5 (1) A written request for disclosure or written confirmation by the health
6 care provider of an oral request that justifies the need for disclosure shall be inserted
7 in the medical record of the patient or recipient; and

8 (2) Documentation of the disclosure shall be inserted in the medical
9 record of the patient or recipient.

10 5-309.

11 (a) (1) A medical examiner shall investigate the death of a human being if
12 the death occurs:

13 (i) By violence;

14 (ii) By suicide;

15 (iii) By casualty;

16 (iv) Suddenly, if the deceased was in apparent good health or
17 unattended by a physician; or

18 (v) In any suspicious or unusual manner.

19 (2) A medical examiner shall investigate the death of a human fetus if:

20 (i) Regardless of the duration of the pregnancy, the death occurs
21 before the complete expulsion or extraction of the fetus from the mother; and

22 (ii) The mother is not attended by a physician at or after the
23 delivery.

24 (b) If a medical examiner's case occurs, the police or sheriff immediately shall
25 notify the medical examiner and State's Attorney for the county where the body is
26 found and give the known facts concerning the time, place, manner, and
27 circumstances of the death.

28 (c) Immediately on notification that a medical examiner's case has occurred,
29 the medical examiner or an investigator of the medical examiner shall go to and take
30 charge of the body. The medical examiner or the investigator shall investigate fully
31 the essential facts concerning the medical cause of death and, before leaving the
32 premises, reduce these facts and the names and addresses of witnesses to writing,
33 which shall be filed in the medical examiner's office.

34 (d) The medical examiner or the investigator shall take possession of and
35 deliver to the State's Attorney or the State's Attorney's designee any object or article

1 that, in the opinion of the medical examiner or the investigator, may be useful in
2 establishing the cause of death.

3 (e) (1) If the next of kin of the deceased is not present at the investigation,
4 the police officer or sheriff at the investigation or, if a police officer or sheriff is not
5 present, the medical examiner or the investigator shall:

6 (i) Take possession of all property of value found on the body;

7 (ii) In the report of the death, make an exact inventory of the
8 property; and

9 (iii) Deliver the property to the appropriate sheriff or police
10 department.

11 (2) The sheriff or police department shall surrender the property to the
12 person who is entitled to its possession or custody.

13 (F) IF THE CASE INVOLVES THE UNEXPECTED DEATH OF A CHILD, THE
14 MEDICAL EXAMINER SHALL NOTIFY THE CHAIRPERSON OF THE LOCAL CHILD
15 FATALITY REVIEW TEAM FOR THE COUNTY IN WHICH THE CHILD RESIDED.

16 SUBTITLE 7. CHILD FATALITY REVIEW TEAMS.

17 5-701.

18 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
19 INDICATED.

20 (B) "CHILD" MEANS AN INDIVIDUAL UNDER THE AGE OF 18 YEARS.

21 (C) "LOCAL TEAM" MEANS THE MULTIDISCIPLINARY AND MULTIAGENCY
22 CHILD FATALITY REVIEW TEAM ESTABLISHED FOR A COUNTY.

23 (D) "MEETING" INCLUDES MEETINGS THROUGH TELEPHONE CONFERENCING.

24 (E) "HEALTH CARE PROVIDER" MEANS:

25 (1) AN INDIVIDUAL LICENSED OR CERTIFIED UNDER THE HEALTH
26 OCCUPATIONS ARTICLE TO PROVIDE HEALTH CARE; OR

27 (2) A FACILITY THAT PROVIDES HEALTH CARE TO INDIVIDUALS.

28 (F) "STATE TEAM" MEANS THE STATE CHILD FATALITY REVIEW TEAM.

29 (G) ~~"WORKING DAY" MEANS MONDAY THROUGH FRIDAY, EXCLUDING~~
30 ~~OFFICIAL STATE HOLIDAYS.~~

31 ~~(H)~~ "UNEXPECTED CHILD DEATH" MEANS A DEATH OF A CHILD INVESTIGATED
32 BY THE OFFICE OF THE CHIEF MEDICAL EXAMINER AS REQUIRED BY § 5-309 OF THIS
33 ARTICLE.

1 5-702.

2 (A) THERE IS A STATE CHILD FATALITY REVIEW TEAM.

3 (B) THE STATE TEAM IS PART OF THE DEPARTMENT FOR BUDGETARY AND
4 ADMINISTRATIVE PURPOSES.

5 5-703.

6 (A) THE STATE TEAM SHALL BE A MULTIDISCIPLINARY AND MULTIAGENCY
7 REVIEW TEAM, COMPOSED OF AT LEAST 25 MEMBERS, INCLUDING:

8 (1) THE ATTORNEY GENERAL;

9 (2) THE CHIEF MEDICAL EXAMINER;

10 (3) THE SECRETARY OF HUMAN RESOURCES;

11 (4) THE SECRETARY OF HEALTH AND MENTAL HYGIENE;

12 (5) THE STATE SUPERINTENDENT OF SCHOOLS;

13 (6) THE SECRETARY OF JUVENILE JUSTICE;

14 (7) THE SPECIAL SECRETARY FOR CHILDREN, YOUTH, AND FAMILIES;

15 (8) THE SECRETARY OF THE STATE POLICE;

16 (9) THE PRESIDENT OF THE STATE'S ATTORNEYS' ASSOCIATION;

17 (10) THE CHIEF OF THE DIVISION OF VITAL RECORDS OF THE
18 DEPARTMENT;

19 (11) ~~THE PHYSICIAN DIRECTOR OF THE SUDDEN INFANT DEATH~~
20 ~~SYNDROME ("SIDS") INSTITUTE AT THE UNIVERSITY OF MARYLAND MEDICAL SYSTEM~~
21 A REPRESENTATIVE OF THE STATE SIDS INFORMATION AND COUNSELING PROGRAM;

22 (12) THE DIRECTOR OF THE ALCOHOL AND DRUG ABUSE
23 ADMINISTRATION OF THE DEPARTMENT;

24 (13) TWO PEDIATRICIANS WITH EXPERIENCE IN DIAGNOSING AND
25 TREATING INJURIES AND CHILD ABUSE AND NEGLECT, APPOINTED BY THE
26 GOVERNOR FROM A LIST SUBMITTED BY THE STATE CHAPTER OF THE AMERICAN
27 ACADEMY OF PEDIATRICS; AND

28 (14) ELEVEN MEMBERS OF THE GENERAL PUBLIC WITH INTEREST OR
29 EXPERTISE IN CHILD SAFETY AND WELFARE, APPOINTED BY THE GOVERNOR,
30 INCLUDING CHILD ADVOCATES, CASA VOLUNTEERS, HEALTH AND MENTAL HEALTH
31 PROFESSIONALS, AND ATTORNEYS WHO REPRESENT CHILDREN.

1 (B) THE MEMBERS DESCRIBED UNDER SUBSECTION (A)(1) THROUGH (12) OF
2 THIS SECTION MAY DESIGNATE REPRESENTATIVES FROM THEIR DEPARTMENTS OR
3 OFFICES TO REPRESENT THEM ON THE STATE TEAM.

4 (C) THE STATE TEAM MAY EMPLOY A STAFF IN ACCORDANCE WITH THE STATE
5 BUDGET. EACH MEMBER OF THE TEAM UNDER SUBSECTION (A)(1) THROUGH (12) OF
6 THIS SECTION SHALL PROVIDE SUFFICIENT STAFF SUPPORT TO COMPLETE THE
7 STATE TEAM'S RESPONSIBILITIES.

8 (D) MEMBERS OF THE STATE TEAM SHALL SERVE WITHOUT COMPENSATION,
9 BUT MAY BE REIMBURSED FOR REASONABLE EXPENSES INCURRED IN THE
10 PERFORMANCE OF THEIR DUTIES IN ACCORDANCE WITH THE STANDARD STATE
11 TRAVEL REGULATIONS AND AS PROVIDED IN THE STATE BUDGET.

12 (E) ~~THE GOVERNOR STATE TEAM SHALL SELECT A CHAIRPERSON FROM~~
13 ~~AMONG THE ITS MEMBERS OF THE STATE TEAM.~~

14 (F) THE STATE TEAM SHALL MEET NOT LESS THAN ONCE EVERY 3 MONTHS.
15 5-704.

16 (A) THE PURPOSE OF THE STATE TEAM IS TO PREVENT CHILD DEATHS BY:

17 (1) DEVELOPING AN UNDERSTANDING OF THE CAUSES AND INCIDENCE
18 OF CHILD DEATHS;

19 (2) DEVELOPING PLANS FOR AND IMPLEMENTING CHANGES WITHIN
20 THE AGENCIES REPRESENTED ON THE TEAM TO PREVENT CHILD DEATHS; AND

21 (3) ADVISING THE GOVERNOR, THE GENERAL ASSEMBLY, AND THE
22 PUBLIC ON CHANGES TO LAW, POLICY, AND PRACTICE TO PREVENT CHILD DEATHS.

23 (B) TO ACHIEVE ITS PURPOSE, THE STATE TEAM SHALL:

24 (1) UNDERTAKE ANNUAL STATISTICAL STUDIES OF THE INCIDENCE
25 AND CAUSES OF CHILD FATALITIES IN THE STATE, INCLUDING AN ANALYSIS OF
26 COMMUNITY AND PUBLIC AND PRIVATE AGENCY INVOLVEMENT WITH THE
27 DECEDENTS AND THEIR FAMILIES BEFORE AND AFTER THE DEATHS;

28 (2) REVIEW REPORTS FROM LOCAL TEAMS;

29 (3) PROVIDE TRAINING AND WRITTEN MATERIALS TO THE LOCAL TEAMS
30 ESTABLISHED UNDER § 5-705 OF THIS SUBTITLE TO ASSIST THEM IN CARRYING OUT
31 THEIR DUTIES, INCLUDING MODEL PROTOCOLS FOR THE OPERATION OF LOCAL
32 TEAMS;

33 (4) IN COOPERATION WITH LOCAL TEAMS, DEVELOP A PROTOCOL FOR
34 CHILD FATALITY INVESTIGATIONS, INCLUDING PROCEDURES FOR LOCAL HEALTH
35 DEPARTMENTS, LAW ENFORCEMENT AGENCIES, LOCAL MEDICAL EXAMINERS, AND

1 LOCAL DEPARTMENTS OF SOCIAL SERVICES, USING BEST PRACTICES FROM OTHER
2 STATES AND JURISDICTIONS;

3 (5) DEVELOP A PROTOCOL FOR THE COLLECTION OF DATA REGARDING
4 CHILD DEATHS AND PROVIDE TRAINING TO LOCAL TEAMS AND COUNTY HEALTH
5 DEPARTMENTS ON THE USE OF THE PROTOCOL;

6 (6) UNDERTAKE A STUDY OF THE OPERATIONS OF LOCAL TEAMS,
7 INCLUDING THE STATE AND LOCAL LAWS, REGULATIONS, AND POLICIES OF THE
8 AGENCIES REPRESENTED ON THE LOCAL TEAMS, RECOMMEND APPROPRIATE
9 CHANGES TO ANY REGULATION OR POLICY NEEDED TO PREVENT CHILD DEATHS,
10 AND INCLUDE PROPOSALS FOR CHANGES TO STATE OR LOCAL LAWS IN THE ANNUAL
11 REPORT REQUIRED BY PARAGRAPH (12) OF THIS SUBSECTION;

12 (7) CONSIDER LOCAL AND STATEWIDE TRAINING NEEDS, INCLUDING
13 CROSS-AGENCY TRAINING AND SERVICE GAPS, AND MAKE RECOMMENDATIONS TO
14 MEMBER AGENCIES TO DEVELOP AND DELIVER THESE TRAINING NEEDS;

15 (8) EXAMINE CONFIDENTIALITY AND ACCESS TO INFORMATION LAWS,
16 REGULATIONS, AND POLICIES FOR AGENCIES WITH RESPONSIBILITIES FOR
17 CHILDREN, INCLUDING HEALTH, PUBLIC WELFARE, EDUCATION, SOCIAL SERVICES,
18 MENTAL HEALTH, AND LAW ENFORCEMENT AGENCIES, RECOMMEND APPROPRIATE
19 CHANGES TO ANY REGULATIONS AND POLICIES THAT IMPEDE THE EXCHANGE OF
20 INFORMATION NECESSARY TO PROTECT CHILDREN FROM PREVENTABLE DEATHS,
21 AND INCLUDE PROPOSALS FOR CHANGES TO STATUTES IN THE ANNUAL REPORT
22 REQUIRED BY PARAGRAPH (12) OF THIS SUBSECTION;

23 (9) EXAMINE THE POLICIES AND PROCEDURES OF STATE AND LOCAL
24 AGENCIES AND SPECIFIC CASES THAT THE STATE TEAM CONSIDERS NECESSARY TO
25 PERFORM ITS DUTIES UNDER THIS SECTION, IN ORDER TO EVALUATE THE EXTENT
26 TO WHICH STATE AND LOCAL AGENCIES ARE EFFECTIVELY DISCHARGING THEIR
27 CHILD PROTECTION RESPONSIBILITIES IN ACCORDANCE WITH:

28 (I) THE STATE PLAN UNDER 42 U.S.C. § 5106A(B);

29 (II) THE CHILD PROTECTION STANDARDS SET FORTH IN 42 U.S.C. §
30 5106A(B); AND

31 (III) ANY OTHER CRITERIA THAT THE STATE TEAM CONSIDERS
32 IMPORTANT TO ENSURE THE PROTECTION OF CHILDREN;

33 (10) EDUCATE THE PUBLIC REGARDING THE INCIDENCE AND CAUSES OF
34 CHILD DEATHS, THE PUBLIC ROLE IN PREVENTING CHILD DEATHS, AND SPECIFIC
35 STEPS THE PUBLIC CAN UNDERTAKE TO PREVENT CHILD DEATHS;

36 (11) RECOMMEND TO THE SECRETARY ANY REGULATIONS NECESSARY
37 FOR ITS OWN OPERATION AND THE OPERATION OF THE LOCAL TEAMS; ~~AND~~

38 (12) PROVIDE THE GOVERNOR, THE PUBLIC, AND SUBJECT TO § 2-1246 OF
39 THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, WITH ANNUAL

1 WRITTEN REPORTS, WHICH SHALL INCLUDE THE STATE TEAM'S FINDINGS AND
2 RECOMMENDATIONS; AND

3 (13) IN CONSULTATION WITH LOCAL TEAMS:

4 (I) DEFINE "NEAR FATALITY"; AND

5 (II) DEVELOP PROCEDURES AND PROTOCOLS THAT LOCAL TEAMS
6 AND THE STATE TEAM MAY USE TO REVIEW CASES OF NEAR FATALITY.

7 (C) THE STATE TEAM SHALL COORDINATE ITS ACTIVITIES UNDER THIS
8 SECTION WITH THE STATE CITIZENS REVIEW BOARD FOR CHILDREN, LOCAL
9 CITIZENS REVIEW PANELS, AND THE STATE COUNCIL ON CHILD ABUSE AND
10 NEGLECT IN ORDER TO AVOID UNNECESSARY DUPLICATION OF EFFORT.

11 (D) THE MEMBERS AND STAFF OF THE STATE TEAM:

12 (1) MAY NOT DISCLOSE TO ANY PERSON OR GOVERNMENT OFFICIAL
13 ANY IDENTIFYING INFORMATION ABOUT ANY SPECIFIC CHILD PROTECTION CASE
14 ABOUT WHICH THE STATE TEAM IS PROVIDED INFORMATION; AND

15 (2) MAY MAKE PUBLIC OTHER INFORMATION UNLESS PROHIBITED BY
16 LAW.

17 (E) IN ADDITION TO ANY OTHER PENALTIES PROVIDED BY LAW, THE
18 SECRETARY MAY IMPOSE ON ANY PERSON WHO VIOLATES SUBSECTION (D) OF THIS
19 SECTION A CIVIL PENALTY NOT EXCEEDING \$500 FOR EACH VIOLATION.

20 5-705.

21 (A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
22 THERE SHALL BE A MULTIDISCIPLINARY AND MULTIAGENCY CHILD FATALITY
23 REVIEW TEAM IN EACH COUNTY.

24 (2) INSTEAD OF A LOCAL TEAM IN EACH COUNTY, TWO OR MORE
25 COUNTIES MAY AGREE TO ESTABLISH A SINGLE MULTICOUNTY LOCAL TEAM.

26 (3) A MULTICOUNTY LOCAL TEAM SHALL EXECUTE A MEMORANDUM OF
27 UNDERSTANDING ON MEMBERSHIP, STAFFING, AND OPERATION.

28 (B) THE LOCAL TEAM MEMBERSHIP SHALL BE COMPOSED OF AT LEAST 13
29 MEMBERS, INCLUDING DRAWN FROM THE FOLLOWING INDIVIDUALS,
30 ORGANIZATIONS, AGENCIES, AND AREAS OF EXPERTISE, WHEN AVAILABLE:

31 (1) THE COUNTY HEALTH OFFICER;

32 (2) ~~THE COUNTY MEDICAL EXAMINER;~~

33 (3) THE DIRECTOR OF THE LOCAL DEPARTMENT OF SOCIAL SERVICES;

34 (4) (3) THE STATE'S ATTORNEY;

- 1 ~~(5)~~ (4) THE SUPERINTENDENT OF SCHOOLS;
- 2 ~~(6)~~ (5) A STATE, COUNTY, OR MUNICIPAL LAW ENFORCEMENT
3 OFFICER;
- 4 ~~(7)~~ (6) THE DIRECTOR OF THE COUNTY SUBSTANCE ABUSE
5 TREATMENT PROGRAM;
- 6 ~~(8)~~ (7) THE CHIEF ATTORNEY WHO REPRESENTS THE LOCAL
7 DEPARTMENT OF SOCIAL SERVICES IN CHILD WELFARE PROCEEDINGS;
- 8 ~~(9)~~ (8) THE REGIONAL REPRESENTATIVE OF THE CHILD CARE
9 ADMINISTRATION;
- 10 ~~(10)~~ (9) THE DIRECTOR OF THE COUNTY MENTAL HEALTH AGENCY OR
11 CORE SERVICE AGENCY;
- 12 ~~(11)~~ (10) A PEDIATRICIAN WITH EXPERIENCE IN DIAGNOSING AND
13 TREATING INJURIES AND CHILD ABUSE AND NEGLECT, APPOINTED BY THE COUNTY
14 HEALTH OFFICER;
- 15 ~~(12)~~ (11) A PSYCHIATRIST OR PSYCHOLOGIST WITH EXPERIENCE IN
16 CHILD ABUSE AND NEGLECT OR CHILD INJURY, APPOINTED BY THE DIRECTOR OF
17 THE COUNTY MENTAL HEALTH AGENCY OR CORE SERVICE AGENCY; ~~AND~~
- 18 ~~(13)~~ (12) A MEMBER OF THE GENERAL PUBLIC WITH INTEREST OR
19 EXPERTISE IN THE PREVENTION AND TREATMENT OF CHILD ABUSE AND NEGLECT,
20 APPOINTED BY THE COUNTY HEALTH OFFICER; AND
- 21 (13) ANY OTHER INDIVIDUAL NECESSARY TO THE WORK OF THE LOCAL
22 TEAM, RECOMMENDED BY THE LOCAL TEAM AND APPOINTED BY THE COUNTY
23 HEALTH OFFICER.

24 (C) THE MEMBERS DESCRIBED UNDER SUBSECTION (B)(1) THROUGH ~~(10)~~ (9) OF
25 THIS SECTION MAY DESIGNATE REPRESENTATIVES FROM THEIR DEPARTMENTS OR
26 OFFICES TO REPRESENT THEM ON THE LOCAL TEAM.

27 (D) ~~EACH PUBLIC AGENCY REPRESENTED ON THE LOCAL TEAM SHALL~~
28 ~~PROVIDE SUFFICIENT STAFF SUPPORT TO COMPLETE THE LOCAL TEAM'S~~
29 ~~RESPONSIBILITIES.~~

30 ~~(E)~~ FROM AMONG ITS MEMBERS, EACH LOCAL TEAM SHALL ELECT A
31 CHAIRPERSON BY MAJORITY VOTE.

32 5-706.

33 (A) THE PURPOSE OF THE LOCAL TEAM IS TO PREVENT CHILD DEATHS BY:

34 (1) ~~PROVIDING ASSISTANCE, DIRECTION, AND COORDINATION TO~~
35 ~~INVESTIGATIONS OF CHILD DEATHS;~~

1 (2) PROMOTING COOPERATION AND COORDINATION AMONG AGENCIES
2 INVOLVED IN INVESTIGATIONS OF CHILD DEATHS OR IN PROVIDING SERVICES TO
3 SURVIVING FAMILY MEMBERS;

4 (3) (2) DEVELOPING AN UNDERSTANDING OF THE CAUSES AND
5 INCIDENCE OF CHILD DEATHS IN THE COUNTY;

6 (4) (3) DEVELOPING PLANS FOR AND RECOMMENDING CHANGES
7 WITHIN THE AGENCIES THE MEMBERS REPRESENT TO PREVENT CHILD DEATHS;
8 AND

9 (5) (4) ADVISING THE STATE TEAM ON CHANGES TO LAW, POLICY, OR
10 PRACTICE TO PREVENT CHILD DEATHS.

11 (B) TO ACHIEVE ITS PURPOSE, THE LOCAL TEAM SHALL:

12 (1) ~~WITHIN 90 DAYS OF RECEIPT OF THE MODEL PROTOCOLS FROM THE~~
13 ~~STATE TEAM REQUIRED UNDER § 5-704(B) OF THIS SUBTITLE~~ IN CONSULTATION
14 WITH THE STATE TEAM, ESTABLISH AND IMPLEMENT A PROTOCOL FOR THE LOCAL
15 TEAM;

16 (2) ~~RESPOND TO INDIVIDUAL CHILD DEATHS IN ACCORDANCE WITH §~~
17 ~~5-707 OF THIS SUBTITLE~~ SET AS ITS GOAL THE INVESTIGATION OF CHILD DEATHS IN
18 ACCORDANCE WITH NATIONAL STANDARDS;

19 (3) ~~IN ADDITION TO ANY MEETING REQUIRED BY § 5-707 OF THIS~~
20 ~~SUBTITLE~~, MEET AT LEAST QUARTERLY TO REVIEW THE STATUS OF CHILD FATALITY
21 CASES, RECOMMEND ACTIONS TO FACILITATE THE IMPLEMENTATION OF METHODS
22 TO IMPROVE COORDINATION OF SERVICES AND INVESTIGATIONS AMONG MEMBER
23 AGENCIES, AND RECOMMEND ACTIONS TO FACILITATE THE IMPLEMENTATION OF
24 CHANGES WITHIN THE MEMBER AGENCIES TO PREVENT CHILD DEATHS;

25 (4) COLLECT AND MAINTAIN DATA AS REQUIRED BY THE STATE TEAM;
26 AND

27 (5) PROVIDE REQUESTED REPORTS TO THE STATE TEAM, ~~AT THE~~
28 ~~FREQUENCY REQUIRED BY THE STATE TEAM~~, INCLUDING DISCUSSION OF
29 INDIVIDUAL CASES, STEPS TAKEN TO IMPROVE COORDINATION OF SERVICES AND
30 INVESTIGATIONS, STEPS TAKEN TO IMPLEMENT CHANGES RECOMMENDED BY THE
31 LOCAL TEAM WITHIN MEMBER AGENCIES, AND RECOMMENDATIONS ON NEEDED
32 CHANGES TO STATE AND LOCAL LAW, POLICY, AND PRACTICE TO PREVENT CHILD
33 DEATHS; AND

34 (6) IN CONSULTATION WITH THE STATE TEAM:

35 (I) DEFINE "NEAR FATALITY"; AND

36 (II) DEVELOP PROCEDURES AND PROTOCOLS THAT LOCAL TEAMS
37 AND THE STATE TEAM MAY USE TO REVIEW CASES OF NEAR FATALITY.

1 ~~5-707.~~

2 (A) ~~IMMEDIATELY UPON RECEIPT OF A REPORT FROM THE OFFICE OF THE~~
3 ~~CHIEF MEDICAL EXAMINER OF AN UNEXPECTED CHILD DEATH AS REQUIRED BY §~~
4 ~~5-309 OF THIS TITLE, THE CHAIR OF THE LOCAL TEAM SHALL NOTIFY ALL MEMBERS~~
5 ~~OF THE TEAM, PROVIDING ALL KNOWN IDENTIFYING INFORMATION ON THE CHILD~~
6 ~~AND FAMILY AND ON THE CAUSE OF AND CIRCUMSTANCES SURROUNDING THE~~
7 ~~DEATH.~~

8 (B) ~~UPON RECEIPT OF THE NOTIFICATION REQUIRED UNDER SUBSECTION (A)~~
9 ~~OF THIS SECTION, LOCAL TEAM MEMBERS SHALL REVIEW THEIR RECORDS FOR~~
10 ~~INFORMATION REGARDING THE DECEASED CHILD OR FAMILY.~~

11 (C) ~~A SUBCOMMITTEE OF THE LOCAL TEAM SHALL MEET WITHIN 2 WORKING~~
12 ~~DAYS AFTER THE NOTIFICATION REQUIRED UNDER SUBSECTION (A) OF THIS~~
13 ~~SECTION. THE PURPOSE OF THE MEETING SHALL BE TO ASSIST IN THE~~
14 ~~INVESTIGATION OF THE DEATH, INCLUDING BY SHARING INFORMATION REGARDING~~
15 ~~THE CHILD AND FAMILY THAT IS IN THE RECORDS OF AGENCIES REPRESENTED ON~~
16 ~~THE TEAM, AND TO ASSIST IN THE PROVISION OF SERVICES TO SURVIVING FAMILY~~
17 ~~MEMBERS. THE MEETING SHALL ALSO ESTABLISH RESPONSIBILITIES FOR MEMBERS~~
18 ~~OF THE TEAM AND DATES FOR SUBSEQUENT MEETINGS REGARDING THE CHILD OR~~
19 ~~FAMILY.~~

20 ~~5-708-5-707.~~

21 UPON REQUEST OF THE CHAIR OF THE LOCAL TEAM AND AS NECESSARY TO
22 CARRY OUT THE LOCAL TEAM'S PURPOSE AND DUTIES, THE LOCAL TEAM SHALL BE
23 IMMEDIATELY PROVIDED:

24 (1) BY A PROVIDER OF MEDICAL CARE, INCLUDING DENTAL AND
25 MENTAL HEALTH CARE, WITH ACCESS TO INFORMATION AND RECORDS REGARDING
26 A CHILD WHOSE DEATH IS BEING REVIEWED BY THE LOCAL TEAM, INCLUDING
27 INFORMATION ON PRENATAL CARE; AND

28 (2) ACCESS TO ALL INFORMATION AND RECORDS MAINTAINED BY ANY
29 STATE OR LOCAL GOVERNMENT AGENCY, INCLUDING BIRTH CERTIFICATES, LAW
30 ENFORCEMENT INVESTIGATIVE INFORMATION, MEDICAL EXAMINER INVESTIGATIVE
31 INFORMATION, PAROLE AND PROBATION INFORMATION AND RECORDS, AND
32 INFORMATION AND RECORDS OF A SOCIAL SERVICES AGENCY THAT PROVIDED
33 SERVICES TO THE CHILD OR FAMILY.

34 ~~5-709-5-708.~~

35 (A) MEETINGS OF THE STATE TEAM AND OF LOCAL TEAMS SHALL BE CLOSED
36 TO THE PUBLIC AND NOT SUBJECT TO TITLE 10, SUBTITLE 5 OF THE STATE
37 GOVERNMENT ARTICLE WHEN THE STATE TEAM OR LOCAL TEAMS ARE DISCUSSING
38 INDIVIDUAL CASES OF CHILD DEATHS.

39 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, MEETINGS OF
40 THE STATE TEAM AND OF LOCAL TEAMS SHALL BE OPEN TO THE PUBLIC AND

1 SUBJECT TO TITLE 10, SUBTITLE 5 OF THE STATE GOVERNMENT ARTICLE WHEN THE
2 STATE TEAM OR LOCAL TEAM IS NOT DISCUSSING INDIVIDUAL CASES OF CHILD
3 DEATHS.

4 (C) (1) INFORMATION IDENTIFYING A DECEASED CHILD, A FAMILY
5 MEMBER, A GUARDIAN OR CARETAKER OF A DECEASED CHILD, OR AN ALLEGED OR
6 SUSPECTED PERPETRATOR OF ABUSE OR NEGLECT UPON A CHILD, MAY NOT BE
7 DISCLOSED DURING A PUBLIC MEETING.

8 (2) INFORMATION REGARDING THE INVOLVEMENT OF ANY AGENCY
9 WITH THE DECEASED CHILD OR FAMILY MAY NOT BE DISCLOSED DURING A PUBLIC
10 MEETING.

11 (D) THIS SECTION DOES NOT PROHIBIT THE STATE TEAM OR A LOCAL TEAM
12 FROM REQUESTING THE ATTENDANCE AT A TEAM MEETING OF A PERSON WHO HAS
13 INFORMATION RELEVANT TO THE TEAM'S EXERCISE OF ITS PURPOSE AND DUTIES.

14 (E) VIOLATION OF THIS SECTION IS A MISDEMEANOR AND IS PUNISHABLE BY
15 A FINE NOT EXCEEDING \$500 OR IMPRISONMENT NOT EXCEEDING 90 DAYS OR BOTH.

16 ~~5-710-5-709.~~

17 (A) ALL INFORMATION AND RECORDS ACQUIRED BY THE STATE TEAM OR BY A
18 LOCAL TEAM, IN THE EXERCISE OF ITS PURPOSE AND DUTIES UNDER THIS SUBTITLE,
19 ARE CONFIDENTIAL, EXEMPT FROM DISCLOSURE UNDER TITLE 10, SUBTITLE 6 OF
20 THE STATE GOVERNMENT ARTICLE, AND MAY ONLY BE DISCLOSED AS NECESSARY
21 TO CARRY OUT THE TEAM'S DUTIES AND PURPOSES.

22 (B) STATISTICAL COMPILATIONS OF DATA THAT DO NOT CONTAIN ANY
23 INFORMATION THAT WOULD PERMIT THE IDENTIFICATION OF ANY PERSON TO BE
24 ASCERTAINED ARE PUBLIC RECORDS.

25 (C) REPORTS OF THE STATE TEAM AND OF A LOCAL TEAM THAT DO NOT
26 CONTAIN ANY INFORMATION THAT WOULD PERMIT THE IDENTIFICATION OF ANY
27 PERSON TO BE ASCERTAINED ARE PUBLIC INFORMATION.

28 (D) EXCEPT AS NECESSARY TO CARRY OUT A TEAM'S PURPOSE AND DUTIES,
29 MEMBERS OF A TEAM AND PERSONS ATTENDING A TEAM MEETING MAY NOT
30 DISCLOSE WHAT TRANSPIRED AT A MEETING THAT IS NOT PUBLIC UNDER § 5-708 OF
31 THIS ARTICLE OR ANY INFORMATION THE DISCLOSURE OF WHICH IS PROHIBITED BY
32 THIS SECTION.

33 (E) MEMBERS OF A TEAM, PERSONS ATTENDING A TEAM MEETING, AND
34 PERSONS WHO PRESENT INFORMATION TO A TEAM MAY NOT BE QUESTIONED IN ANY
35 CIVIL OR CRIMINAL PROCEEDING REGARDING INFORMATION PRESENTED IN OR
36 OPINIONS FORMED AS A RESULT OF A MEETING. THIS SUBSECTION DOES NOT
37 PROHIBIT A PERSON FROM TESTIFYING TO INFORMATION OBTAINED
38 INDEPENDENTLY OF THE TEAM OR THAT IS PUBLIC INFORMATION.

1 (F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
2 INFORMATION, DOCUMENTS, AND RECORDS OF THE STATE TEAM OR OF A LOCAL
3 TEAM ARE NOT SUBJECT TO SUBPOENA, DISCOVERY, OR INTRODUCTION INTO
4 EVIDENCE IN ANY CIVIL OR CRIMINAL PROCEEDING.

5 (2) INFORMATION, DOCUMENTS, AND RECORDS OTHERWISE AVAILABLE
6 FROM OTHER SOURCES ARE NOT IMMUNE FROM SUBPOENA, DISCOVERY, OR
7 INTRODUCTION INTO EVIDENCE THROUGH THOSE SOURCES SOLELY BECAUSE THEY
8 WERE PRESENTED DURING PROCEEDINGS OF THE TEAM OR ARE MAINTAINED BY A
9 TEAM.

10 (G) VIOLATION OF THIS SECTION IS A MISDEMEANOR AND IS PUNISHABLE BY
11 A FINE NOT EXCEEDING \$500 OR IMPRISONMENT NOT EXCEEDING 90 DAYS OR BOTH.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 July 1, 1999.