

SENATE BILL 464

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D4

1999 Regular Session
(9lr0390)

ENROLLED BILL
-- Judicial Proceedings/Judiciary --

Introduced by ~~Senator Baker~~ **Senators Baker and Colburn**

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 **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

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

36 BY repealing and reenacting, with amendments,
 37 Article 88A - Department of Human Resources
 38 Section 6
 39 Annotated Code of Maryland
 40 (1998 Replacement Volume)

41 BY repealing and reenacting, with amendments,
 42 Article - Family Law
 43 Section 5-535, 5-538(a), 5-539, and 5-546
 44 Annotated Code of Maryland
 45 (1999 Replacement Volume)

1 ~~BY repealing and reenacting, without amendments,~~

2 ~~Article - Family Law~~

3 ~~Section 5-539~~

4 ~~Annotated Code of Maryland~~

5 ~~(1999 Replacement Volume)~~

6 BY adding to

7 Article - Family Law

8 Section 5-539.1 ~~and 5-539.2; through 5-539.3; and~~ 5-7A-01 through 5-7A-09

9 to be under the new subtitle "Subtitle 7A. State Council on Child Abuse
10 and Neglect"

11 Annotated Code of Maryland

12 (1999 Replacement Volume)

13 BY repealing and reenacting, with amendments,

14 Article - Health - General

15 Section 4-306 and 5-309

16 Annotated Code of Maryland

17 (1994 Replacement Volume and 1998 Supplement)

18 BY adding to

19 Article - Health - General

20 Section 5-701 through ~~5-710~~ 5-709, inclusive, to be under the new subtitle

21 "Subtitle 7. Child Fatality Review Teams"

22 Annotated Code of Maryland

23 (1994 Replacement Volume and 1998 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

25 MARYLAND, That the Laws of Maryland read as follows:

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

27 6.

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

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

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

7 (ii) Under an order of an administrative law judge, if the request for
8 disclosure concerns a case pending before the office of administrative hearings and
9 provisions are made to comply with other State or federal confidentiality laws and to
10 protect the identity of the reporter or other person whose life or safety is likely to be
11 endangered by disclosure;

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

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

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

22 [(4)] (5) To a person who is the alleged child abuser or the person who is
23 suspected of child neglect if that person is responsible for the child's welfare and
24 provisions are made for the protection of the identity of the reporter or any other
25 person whose life or safety is likely to be endangered by disclosing the information;

26 [(5)] (6) To a licensed practitioner who, or an agency, institution, or
27 program which is providing treatment or care to a child who is the subject of a report
28 of child abuse or neglect for a purpose relevant to the provision of the treatment or
29 care;

30 [(6)] (7) To a parent or other person who has permanent or temporary
31 care and custody of a child, if provisions are made for the protection of the identity of
32 the reporter or any other person whose life or safety is likely to be endangered by
33 disclosing the information;

34 [(7)] (8) To the appropriate public school superintendent for the purpose
35 of carrying out appropriate personnel actions following a report of suspected child
36 abuse involving a student committed by a public school employee in that school
37 system; or

38 [(8)] (9) To the director of a licensed child care facility or licensed child
39 placement agency for the purpose of carrying out appropriate personnel actions
40 following a report of suspected child neglect or abuse alleged to have been committed

1 by an employee of the facility or agency and involving a child who is currently or who
2 was previously under that facility or agency's care.

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

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

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

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

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

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

18 **Article - Family Law**

19 5-535.

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

22 5-538.

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

25 5-539.

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

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

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

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

32 (b) The State Board shall:

- 1 (1) provide a training program for members of the local boards AND
 2 LOCAL CITIZENS REVIEW PANELS;
- 3 (2) review and coordinate the activities of the local boards;
- 4 (3) adopt policies and procedures that relate to reports and any other
 5 information that is required for any public or private agency or institution;
- 6 (4) make recommendations to the General Assembly that relate to
 7 out-of-home placement policies and procedures; and
- 8 (5) subject to § 2-1246 of the State Government Article, report to the
 9 General Assembly on the first day of each year on the status of children in
 10 out-of-home placement in this State.

11 5-539.1.

12 (A) IN ADDITION TO ANY DUTIES SET FORTH ELSEWHERE, THE STATE BOARD
 13 SHALL, BY EXAMINING THE POLICIES AND PROCEDURES OF STATE AND LOCAL
 14 AGENCIES AND SPECIFIC CASES THAT THE STATE BOARD CONSIDERS NECESSARY TO
 15 PERFORM ITS DUTIES UNDER THIS SECTION, EVALUATE THE EXTENT TO WHICH
 16 STATE AND LOCAL AGENCIES ARE EFFECTIVELY DISCHARGING THEIR CHILD
 17 PROTECTION RESPONSIBILITIES IN ACCORDANCE WITH:

- 18 (1) THE STATE PLAN UNDER 42 U.S.C. § 5106A(B);
- 19 (2) THE CHILD PROTECTION STANDARDS SET FORTH IN 42 U.S.C. §
 20 5106A(B); AND
- 21 (3) ANY OTHER CRITERIA THAT THE STATE BOARD CONSIDERS
 22 IMPORTANT TO ENSURE THE PROTECTION OF CHILDREN, INCLUDING:

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

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

28 (B) THE STATE BOARD MAY:

- 29 (1) BY A MAJORITY VOTE OF ITS MEMBERS ADD UP TO FOUR MEMBERS
 30 WITH EXPERTISE IN THE PREVENTION AND TREATMENT OF CHILD ABUSE AND
 31 NEGLECT FOR THE PURPOSE OF PERFORMING ITS DUTIES UNDER THIS SECTION;
 32 AND
- 33 (2) ~~DESIGNATE LOCAL TEAMS COMPOSED OF MEMBERS OF LOCAL~~
 34 ~~BOARDS OF OUT OF HOME PLACEMENT OF CHILDREN AND STAFF TO CONDUCT~~
 35 ~~REVIEWS OF SPECIFIC CASES. TO ASSIST THE STATE BOARD IN ITS REVIEWS OF~~
 36 SPECIFIC CASES, DESIGNATE:

1 (I) LOCAL TEAMS COMPOSED OF MEMBERS OF LOCAL BOARDS OF
2 OUT-OF-HOME PLACEMENT OF CHILDREN AND STAFF; OR

3 (II) LOCAL CITIZENS REVIEW PANELS ESTABLISHED UNDER §
4 5-539.2 OF THIS SUBTITLE.

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

10 ~~(E)~~ (D) THE STATE BOARD SHALL COORDINATE ITS ACTIVITIES UNDER THIS
11 SECTION WITH THE STATE COUNCIL ON CHILD ABUSE AND NEGLECT, LOCAL
12 CITIZENS REVIEW PANELS, AND THE CHILD FATALITY REVIEW TEAMS IN ORDER TO
13 AVOID UNNECESSARY DUPLICATION OF EFFORT.

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

17 5-539.2.

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

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

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

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

29 (1) INDIVIDUALS WITH EXPERTISE IN THE PREVENTION AND
30 TREATMENT OF CHILD ABUSE AND NEGLECT, SUCH AS CHILD ADVOCATES,
31 VOLUNTEERS OF THE COURT-APPOINTED SPECIAL ADVOCATE PROGRAM,
32 ATTORNEYS WHO REPRESENT CHILDREN, PARENT AND CONSUMER
33 REPRESENTATIVES, LAW ENFORCEMENT REPRESENTATIVES, AND HEALTH AND
34 HUMAN SERVICES PROFESSIONALS; AND

35 (2) ONE MEMBER FROM THE LOCAL JURISDICTION, WHO IS APPOINTED
36 BY THE STATE BOARD AND ONE WHO IS APPOINTED BY THE STATE COUNCIL ON
37 CHILD ABUSE AND NEGLECT.

38 (D) A LOCAL PANEL SHALL:

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

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

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

10 5-539.3.

11 (A) THE MEMBERS OF THE STATE BOARD AND THE BOARD'S DESIGNEES AND
12 STAFF:

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

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

18 (B) IN ADDITION TO ANY OTHER PENALTIES PROVIDED BY LAW, THE SPECIAL
19 SECRETARY FOR CHILDREN, YOUTH, AND FAMILIES MAY IMPOSE ON ANY PERSON
20 WHO VIOLATES SUBSECTION (A) OF THIS SECTION A CIVIL PENALTY NOT EXCEEDING
21 \$500 FOR EACH VIOLATION.

22 5-546.

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

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

28 5-7A-01.

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

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

32 5-7A-02.

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

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

3 (2) A DELEGATE DESIGNATED BY THE SPEAKER OF THE MARYLAND
4 HOUSE OF DELEGATES;

5 (3) A REPRESENTATIVE OF THE DEPARTMENT OF HUMAN RESOURCES,
6 DESIGNATED BY THE SECRETARY;

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

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

11 (6) A REPRESENTATIVE OF THE DEPARTMENT OF JUVENILE JUSTICE,
12 DESIGNATED BY THE SECRETARY;

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

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

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

21 (10) MEMBERS OF THE GENERAL PUBLIC WITH INTEREST OR EXPERTISE
22 IN THE PREVENTION OR TREATMENT OF CHILD ABUSE AND NEGLECT WHO SHALL BE
23 APPOINTED BY THE GOVERNOR AND WHO SHALL INCLUDE REPRESENTATIVES FROM
24 PROFESSIONAL AND ADVOCACY GROUPS, PRIVATE SOCIAL SERVICE AGENCIES, AND
25 THE MEDICAL, LAW ENFORCEMENT, EDUCATION, AND RELIGIOUS COMMUNITIES;
26 AND

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

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

33 (2) AN APPOINTED MEMBER MAY SERVE UP TO TWO CONSECUTIVE
34 3-YEAR TERMS.

35 (3) THIS SECTION DOES NOT AFFECT THE TERM OF ANY PERSON WHO IS
36 A MEMBER OF THE GOVERNOR'S COUNCIL ON CHILD ABUSE AND NEGLECT ON JULY
37 1, 1999.

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

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

6 5-7A-03.

7 THE GOVERNOR SHALL SELECT A CHAIRPERSON FROM AMONG THE MEMBERS
8 OF THE COUNCIL.

9 5-7A-04.

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

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

15 (C) THE COUNCIL MAY EMPLOY A STAFF IN ACCORDANCE WITH THE STATE
16 BUDGET.

17 5-7A-05.

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

19 (B) THE CONFERENCE COMMITTEE SHALL BE RESPONSIBLE FOR PLANNING
20 AND IMPLEMENTING THE COUNCIL'S ANNUAL STATEWIDE CONFERENCE ON CHILD
21 ABUSE AND NEGLECT. IT SHALL INCLUDE REPRESENTATION FROM THE PUBLIC AND
22 PRIVATE SECTORS.

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

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

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

4 5-7A-06.

5 (A) IN ADDITION TO ANY DUTIES SET FORTH ELSEWHERE, THE COUNCIL
 6 SHALL, BY EXAMINING THE POLICIES AND PROCEDURES OF STATE AND LOCAL
 7 AGENCIES AND SPECIFIC CASES THAT THE COUNCIL 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 COUNCIL CONSIDERS IMPORTANT
 15 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 COUNCIL MAY REQUEST THAT A LOCAL CITIZENS REVIEW PANEL
 22 ESTABLISHED UNDER § 5-539.2 OF THIS TITLE CONDUCT A REVIEW UNDER THIS
 23 SECTION AND REPORT ITS FINDINGS TO THE COUNCIL.

24 ~~(B)~~ (C) THE COUNCIL SHALL COORDINATE ITS ACTIVITIES UNDER THIS
 25 SECTION WITH THE STATE CITIZENS REVIEW BOARD FOR CHILDREN, LOCAL
 26 CITIZENS REVIEW PANELS, AND THE CHILD FATALITY REVIEW TEAMS IN ORDER TO
 27 AVOID UNNECESSARY DUPLICATION OF EFFORT.

28 ~~(C)~~ (D) THE CHAIRPERSON OF THE COUNCIL MAY DESIGNATE MEMBERS OF
 29 THE CHILDREN'S JUSTICE ACT COMMITTEE AS SPECIAL MEMBERS OF THE COUNCIL
 30 FOR THE PURPOSE OF CARRYING OUT THE DUTIES SET FORTH IN THIS SECTION.

31 5-7A-07.

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

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

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

3 (B) IN ADDITION TO ANY OTHER PENALTIES PROVIDED BY LAW, THE SPECIAL
4 SECRETARY FOR CHILDREN, YOUTH, AND FAMILIES MAY IMPOSE ON ANY PERSON
5 WHO VIOLATES SUBSECTION (A) OF THIS SECTION A CIVIL PENALTY NOT EXCEEDING
6 \$500 FOR EACH VIOLATION.

7 5-7A-08.

8 A UNIT OF STATE OR LOCAL GOVERNMENT SHALL PROVIDE ANY INFORMATION
9 THAT THE COUNCIL REQUESTS TO CARRY OUT THE COUNCIL'S DUTIES UNDER §
10 5-7A-06 OF THIS SUBTITLE.

11 5-7A-09.

12 (A) THE COUNCIL SHALL REPORT AND MAKE RECOMMENDATIONS ANNUALLY
13 TO THE GOVERNOR AND THE GENERAL ASSEMBLY ON MATTERS RELATING TO THE
14 PREVENTION, DETECTION, PROSECUTION, AND TREATMENT OF CHILD ABUSE AND
15 NEGLECT, INCLUDING POLICY AND TRAINING NEEDS THAT REQUIRE THE
16 ATTENTION AND ACTION OF THE GOVERNOR OR THE GENERAL ASSEMBLY.

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

20

Article - Health - General

21 4-306.

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

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

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

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

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

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

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

7 (2) Subject to the additional limitations for a medical record developed
8 primarily in connection with the provision of mental health services in § 4-307 of this
9 subtitle, to health professional licensing and disciplinary boards, in accordance with a
10 subpoena for medical records for the sole purpose of an investigation regarding:

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

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

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

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

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

22 (6) (i) Subject to the additional limitations for a medical record
23 developed primarily in connection with the provision of mental health services in §
24 4-307 of this subtitle and except as otherwise provided in items (2), (7), and (8) of this
25 subsection, in accordance with compulsory process, if the subpoena, summons,
26 warrant, or court order contains a certification that:

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

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

32 (ii) In accordance with a stipulation by a patient or person in
33 interest; or

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

1 (7) To grand juries, prosecution agencies, law enforcement agencies or
2 their agents or employees to further an investigation or prosecution, pursuant to a
3 subpoena, warrant, or court order for the sole purposes of investigating and
4 prosecuting criminal activity, provided that the prosecution agencies and law
5 enforcement agencies have written procedures to protect the confidentiality of the
6 records; [or]

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

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

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

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

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

20 5-309.

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

23 (i) By violence;

24 (ii) By suicide;

25 (iii) By casualty;

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

28 (v) In any suspicious or unusual manner.

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

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

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

34 (b) If a medical examiner's case occurs, the police or sheriff immediately shall
35 notify the medical examiner and State's Attorney for the county where the body is

1 found and give the known facts concerning the time, place, manner, and
2 circumstances of the death.

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

9 (d) The medical examiner or the investigator shall take possession of and
10 deliver to the State's Attorney or the State's Attorney's designee any object or article
11 that, in the opinion of the medical examiner or the investigator, may be useful in
12 establishing the cause of death.

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

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

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

19 (iii) Deliver the property to the appropriate sheriff or police
20 department.

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

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

26 SUBTITLE 7. CHILD FATALITY REVIEW TEAMS.

27 5-701.

28 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
29 INDICATED.

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

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

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

34 (E) "HEALTH CARE PROVIDER" MEANS:

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

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

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

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

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

10 5-702.

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

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

14 5-703.

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

17 (1) THE ATTORNEY GENERAL;

18 (2) THE CHIEF MEDICAL EXAMINER;

19 (3) THE SECRETARY OF HUMAN RESOURCES;

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

21 (5) THE STATE SUPERINTENDENT OF SCHOOLS;

22 (6) THE SECRETARY OF JUVENILE JUSTICE;

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

24 (8) THE SECRETARY OF THE STATE POLICE;

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

26 (10) THE CHIEF OF THE DIVISION OF VITAL RECORDS OF THE
27 DEPARTMENT;

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

1 (12) THE DIRECTOR OF THE ALCOHOL AND DRUG ABUSE
2 ADMINISTRATION OF THE DEPARTMENT;

3 (13) TWO PEDIATRICIANS WITH EXPERIENCE IN DIAGNOSING AND
4 TREATING INJURIES AND CHILD ABUSE AND NEGLECT, APPOINTED BY THE
5 GOVERNOR FROM A LIST SUBMITTED BY THE STATE CHAPTER OF THE AMERICAN
6 ACADEMY OF PEDIATRICS; AND

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

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

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

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

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

24 (F) THE STATE TEAM SHALL MEET NOT LESS THAN ONCE EVERY 3 MONTHS.
25 5-704.

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

27 (1) DEVELOPING AN UNDERSTANDING OF THE CAUSES AND INCIDENCE
28 OF CHILD DEATHS;

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

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

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

34 (1) UNDERTAKE ANNUAL STATISTICAL STUDIES OF THE INCIDENCE
35 AND CAUSES OF CHILD FATALITIES IN THE STATE, INCLUDING AN ANALYSIS OF

1 COMMUNITY AND PUBLIC AND PRIVATE AGENCY INVOLVEMENT WITH THE
2 DECEDENTS AND THEIR FAMILIES BEFORE AND AFTER THE DEATHS;

3 (2) REVIEW REPORTS FROM LOCAL TEAMS;

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

8 (4) IN COOPERATION WITH LOCAL TEAMS, DEVELOP A PROTOCOL FOR
9 CHILD FATALITY INVESTIGATIONS, INCLUDING PROCEDURES FOR LOCAL HEALTH
10 DEPARTMENTS, LAW ENFORCEMENT AGENCIES, LOCAL MEDICAL EXAMINERS, AND
11 LOCAL DEPARTMENTS OF SOCIAL SERVICES, USING BEST PRACTICES FROM OTHER
12 STATES AND JURISDICTIONS;

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

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

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

25 (8) EXAMINE CONFIDENTIALITY AND ACCESS TO INFORMATION LAWS,
26 REGULATIONS, AND POLICIES FOR AGENCIES WITH RESPONSIBILITIES FOR
27 CHILDREN, INCLUDING HEALTH, PUBLIC WELFARE, EDUCATION, SOCIAL SERVICES,
28 MENTAL HEALTH, AND LAW ENFORCEMENT AGENCIES, RECOMMEND APPROPRIATE
29 CHANGES TO ANY REGULATIONS AND POLICIES THAT IMPEDE THE EXCHANGE OF
30 INFORMATION NECESSARY TO PROTECT CHILDREN FROM PREVENTABLE DEATHS,
31 AND INCLUDE PROPOSALS FOR CHANGES TO STATUTES IN THE ANNUAL REPORT
32 REQUIRED BY PARAGRAPH (12) OF THIS SUBSECTION;

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

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

39 (II) THE CHILD PROTECTION STANDARDS SET FORTH IN 42 U.S.C. §
40 5106A(B); AND

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

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

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

8 (12) PROVIDE THE GOVERNOR, THE PUBLIC, AND SUBJECT TO § 2-1246 OF
9 THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, WITH ANNUAL
10 WRITTEN REPORTS, WHICH SHALL INCLUDE THE STATE TEAM'S FINDINGS AND
11 RECOMMENDATIONS; AND

12 (13) IN CONSULTATION WITH LOCAL TEAMS:

13 (I) DEFINE "NEAR FATALITY"; AND

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

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

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

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

24 (2) MAY MAKE PUBLIC OTHER INFORMATION UNLESS PROHIBITED BY
25 LAW.

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

29 5-705.

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

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

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

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

4 (1) THE COUNTY HEALTH OFFICER;

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

6 ~~(3)~~ THE DIRECTOR OF THE LOCAL DEPARTMENT OF SOCIAL SERVICES;

7 ~~(4)~~ (3) THE STATE'S ATTORNEY;

8 ~~(5)~~ (4) THE SUPERINTENDENT OF SCHOOLS;

9 ~~(6)~~ (5) A STATE, COUNTY, OR MUNICIPAL LAW ENFORCEMENT
 10 OFFICER;

11 ~~(7)~~ (6) THE DIRECTOR OF THE COUNTY SUBSTANCE ABUSE
 12 TREATMENT PROGRAM;

13 ~~(8)~~ (7) THE CHIEF ATTORNEY WHO REPRESENTS THE LOCAL
 14 DEPARTMENT OF SOCIAL SERVICES IN CHILD WELFARE PROCEEDINGS;

15 ~~(9)~~ (8) THE REGIONAL REPRESENTATIVE OF THE CHILD CARE
 16 ADMINISTRATION;

17 ~~(10)~~ (9) THE DIRECTOR OF THE COUNTY MENTAL HEALTH AGENCY OR
 18 CORE SERVICE AGENCY;

19 ~~(11)~~ (10) A PEDIATRICIAN WITH EXPERIENCE IN DIAGNOSING AND
 20 TREATING INJURIES AND CHILD ABUSE AND NEGLECT, APPOINTED BY THE COUNTY
 21 HEALTH OFFICER;

22 ~~(12)~~ (11) A PSYCHIATRIST OR PSYCHOLOGIST WITH EXPERIENCE IN
 23 CHILD ABUSE AND NEGLECT OR CHILD INJURY, APPOINTED BY THE DIRECTOR OF
 24 THE COUNTY MENTAL HEALTH AGENCY OR CORE SERVICE AGENCY; ~~AND~~

25 ~~(13)~~ (12) A MEMBER OF THE GENERAL PUBLIC WITH INTEREST OR
 26 EXPERTISE IN THE PREVENTION AND TREATMENT OF CHILD ABUSE AND NEGLECT,
 27 APPOINTED BY THE COUNTY HEALTH OFFICER; AND

28 (13) ANY OTHER INDIVIDUAL NECESSARY TO THE WORK OF THE LOCAL
 29 TEAM, RECOMMENDED BY THE LOCAL TEAM AND APPOINTED BY THE COUNTY
 30 HEALTH OFFICER.

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

1 (D) EACH PUBLIC AGENCY REPRESENTED ON THE LOCAL TEAM SHALL
 2 PROVIDE SUFFICIENT STAFF SUPPORT TO COMPLETE THE LOCAL TEAM'S
 3 RESPONSIBILITIES.

4 (E) FROM AMONG ITS MEMBERS, EACH LOCAL TEAM SHALL ELECT A
 5 CHAIRPERSON BY MAJORITY VOTE.

6 5-706.

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

8 (1) PROVIDING ASSISTANCE, DIRECTION, AND COORDINATION TO
 9 INVESTIGATIONS OF CHILD DEATHS;

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

13 (2) DEVELOPING AN UNDERSTANDING OF THE CAUSES AND
 14 INCIDENCE OF CHILD DEATHS IN THE COUNTY;

15 (3) DEVELOPING PLANS FOR AND RECOMMENDING CHANGES
 16 WITHIN THE AGENCIES THE MEMBERS REPRESENT TO PREVENT CHILD DEATHS;
 17 AND

18 (4) ADVISING THE STATE TEAM ON CHANGES TO LAW, POLICY, OR
 19 PRACTICE TO PREVENT CHILD DEATHS.

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

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

25 (2) ~~RESPOND TO INDIVIDUAL CHILD DEATHS IN ACCORDANCE WITH §~~
 26 ~~5-707 OF THIS SUBTITLE SET AS ITS GOAL THE INVESTIGATION OF CHILD DEATHS IN~~
 27 ACCORDANCE WITH NATIONAL STANDARDS;

28 (3) ~~IN ADDITION TO ANY MEETING REQUIRED BY § 5-707 OF THIS~~
 29 ~~SUBTITLE~~, MEET AT LEAST QUARTERLY TO REVIEW THE STATUS OF CHILD FATALITY
 30 CASES, RECOMMEND ACTIONS TO FACILITATE THE IMPLEMENTATION OF METHODS
 31 ~~TO~~ IMPROVE COORDINATION OF SERVICES AND INVESTIGATIONS AMONG MEMBER
 32 AGENCIES, AND RECOMMEND ACTIONS TO FACILITATE THE IMPLEMENTATION OF
 33 ~~CHANGES~~ WITHIN THE MEMBER AGENCIES TO PREVENT CHILD DEATHS;

34 (4) COLLECT AND MAINTAIN DATA AS REQUIRED BY THE STATE TEAM;
 35 AND

1 (5) PROVIDE REQUESTED REPORTS TO THE STATE TEAM, ~~AT THE~~
2 ~~FREQUENCY REQUIRED BY THE STATE TEAM~~, INCLUDING DISCUSSION OF
3 INDIVIDUAL CASES, STEPS TAKEN TO IMPROVE COORDINATION OF SERVICES AND
4 INVESTIGATIONS, STEPS TAKEN TO IMPLEMENT CHANGES RECOMMENDED BY THE
5 LOCAL TEAM WITHIN MEMBER AGENCIES, AND RECOMMENDATIONS ON NEEDED
6 CHANGES TO STATE AND LOCAL LAW, POLICY, AND PRACTICE TO PREVENT CHILD
7 DEATHS; AND

8 (6) IN CONSULTATION WITH THE STATE TEAM:

9 (I) DEFINE "NEAR FATALITY"; AND

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

12 ~~5-707.~~

13 (A) ~~IMMEDIATELY UPON RECEIPT OF A REPORT FROM THE OFFICE OF THE~~
14 ~~CHIEF MEDICAL EXAMINER OF AN UNEXPECTED CHILD DEATH AS REQUIRED BY §~~
15 ~~5-309 OF THIS TITLE, THE CHAIR OF THE LOCAL TEAM SHALL NOTIFY ALL MEMBERS~~
16 ~~OF THE TEAM, PROVIDING ALL KNOWN IDENTIFYING INFORMATION ON THE CHILD~~
17 ~~AND FAMILY AND ON THE CAUSE OF AND CIRCUMSTANCES SURROUNDING THE~~
18 ~~DEATH.~~

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

22 (C) ~~A SUBCOMMITTEE OF THE LOCAL TEAM SHALL MEET WITHIN 2 WORKING~~
23 ~~DAYS AFTER THE NOTIFICATION REQUIRED UNDER SUBSECTION (A) OF THIS~~
24 ~~SECTION. THE PURPOSE OF THE MEETING SHALL BE TO ASSIST IN THE~~
25 ~~INVESTIGATION OF THE DEATH, INCLUDING BY SHARING INFORMATION REGARDING~~
26 ~~THE CHILD AND FAMILY THAT IS IN THE RECORDS OF AGENCIES REPRESENTED ON~~
27 ~~THE TEAM, AND TO ASSIST IN THE PROVISION OF SERVICES TO SURVIVING FAMILY~~
28 ~~MEMBERS. THE MEETING SHALL ALSO ESTABLISH RESPONSIBILITIES FOR MEMBERS~~
29 ~~OF THE TEAM AND DATES FOR SUBSEQUENT MEETINGS REGARDING THE CHILD OR~~
30 ~~FAMILY.~~

31 ~~5-708. 5-707.~~

32 UPON REQUEST OF THE CHAIR OF THE LOCAL TEAM AND AS NECESSARY TO
33 CARRY OUT THE LOCAL TEAM'S PURPOSE AND DUTIES, THE LOCAL TEAM SHALL BE
34 IMMEDIATELY PROVIDED:

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

1 (2) ACCESS TO ALL INFORMATION AND RECORDS MAINTAINED BY ANY
2 STATE OR LOCAL GOVERNMENT AGENCY, INCLUDING BIRTH CERTIFICATES, LAW
3 ENFORCEMENT INVESTIGATIVE INFORMATION, MEDICAL EXAMINER INVESTIGATIVE
4 INFORMATION, PAROLE AND PROBATION INFORMATION AND RECORDS, AND
5 INFORMATION AND RECORDS OF A SOCIAL SERVICES AGENCY THAT PROVIDED
6 SERVICES TO THE CHILD OR FAMILY.

7 ~~5-709; 5-708.~~

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

12 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, MEETINGS OF
13 THE STATE TEAM AND OF LOCAL TEAMS SHALL BE OPEN TO THE PUBLIC AND
14 SUBJECT TO TITLE 10, SUBTITLE 5 OF THE STATE GOVERNMENT ARTICLE WHEN THE
15 STATE TEAM OR LOCAL TEAM IS NOT DISCUSSING INDIVIDUAL CASES OF CHILD
16 DEATHS.

17 (C) (1) INFORMATION IDENTIFYING A DECEASED CHILD, A FAMILY
18 MEMBER, A GUARDIAN OR CARETAKER OF A DECEASED CHILD, OR AN ALLEGED OR
19 SUSPECTED PERPETRATOR OF ABUSE OR NEGLECT UPON A CHILD, MAY NOT BE
20 DISCLOSED DURING A PUBLIC MEETING.

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

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

27 (E) VIOLATION OF THIS SECTION IS A MISDEMEANOR AND IS PUNISHABLE BY
28 A FINE NOT EXCEEDING \$500 OR IMPRISONMENT NOT EXCEEDING 90 DAYS OR BOTH.
29 ~~5-710; 5-709.~~

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

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

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

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

9 (E) MEMBERS OF A TEAM, PERSONS ATTENDING A TEAM MEETING, AND
10 PERSONS WHO PRESENT INFORMATION TO A TEAM MAY NOT BE QUESTIONED IN ANY
11 CIVIL OR CRIMINAL PROCEEDING REGARDING INFORMATION PRESENTED IN OR
12 OPINIONS FORMED AS A RESULT OF A MEETING. THIS SUBSECTION DOES NOT
13 PROHIBIT A PERSON FROM TESTIFYING TO INFORMATION OBTAINED
14 INDEPENDENTLY OF THE TEAM OR THAT IS PUBLIC INFORMATION.

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

19 (2) INFORMATION, DOCUMENTS, AND RECORDS OTHERWISE AVAILABLE
20 FROM OTHER SOURCES ARE NOT IMMUNE FROM SUBPOENA, DISCOVERY, OR
21 INTRODUCTION INTO EVIDENCE THROUGH THOSE SOURCES SOLELY BECAUSE THEY
22 WERE PRESENTED DURING PROCEEDINGS OF THE TEAM OR ARE MAINTAINED BY A
23 TEAM.

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

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