
By: **Delegate Montague**
Introduced and read first time: February 11, 2000
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal History Records Check - Parent or Guardian of Child in**
3 **Out-of-Home Placement**

4 FOR the purpose of authorizing a local department of social services to require certain
5 individuals to obtain a criminal history records check; making certain
6 conforming changes in provisions of law establishing procedures for obtaining a
7 criminal history records check; and generally relating to criminal history
8 records checks of parents or guardians of children in out-of-home placements
9 and other individuals residing with a parent or guardian.

10 BY adding to
11 Article - Family Law
12 Section 5-561(g)
13 Annotated Code of Maryland
14 (1999 Replacement Volume and 1999 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - Family Law
17 Section 5-561(g) and (h), 5-562(b), 5-563(a) and (b)(3), and 5-564(a)(1) and
18 (d)(4)
19 Annotated Code of Maryland
20 (1999 Replacement Volume and 1999 Supplement)

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

23 **Article - Family Law**

24 5-561.

25 (G) A LOCAL DEPARTMENT OF SOCIAL SERVICES MAY REQUIRE THE
26 FOLLOWING INDIVIDUALS TO OBTAIN A CRIMINAL HISTORY RECORDS CHECK UNDER
27 THIS PART VI OF THIS SUBTITLE:

1 (1) A PARENT OR GUARDIAN OF A CHILD WHO IS COMMITTED TO THE
2 LOCAL DEPARTMENT AND IS OR HAS BEEN PLACED IN AN OUT-OF-HOME
3 PLACEMENT WITHIN THE PAST YEAR; AND

4 (2) ANY ADULT KNOWN BY THE LOCAL DEPARTMENT TO BE RESIDING IN
5 THE HOME OF THE PARENT OR GUARDIAN.

6 [(g)] (H) A person who is required to have a criminal history records check
7 under this Part VI of this subtitle shall pay for:

8 (1) the mandatory processing fee required by the Federal Bureau of
9 Investigation for a national criminal history records check;

10 (2) reasonable administrative costs to the Department, not to exceed
11 10% of the processing fee; and

12 (3) the fee authorized under Article 27, § 746(b)(8) of the Code for access
13 to Maryland criminal history records.

14 [(h)] (I) (1) An employer or other party may pay for the costs borne by the
15 employee or other individual under subsection [(g)] (H) of this section.

16 (2) The local department of social services shall reimburse an adult
17 residing in a foster care home for the costs borne by the individual under subsection
18 [(g)] (H) of this section.

19 5-562.

20 (b) As part of the application for a criminal history records check, the
21 employee, employer, and individual identified in § 5-561(c), (d), (e), [or] (f), OR (G) of
22 this subtitle shall submit:

23 (1) except as provided in subsection (c) of this section, a complete set of
24 legible fingerprints taken on standard fingerprint cards at any designated State or
25 local law enforcement office in the State or other location approved by the
26 Department;

27 (2) the disclosure statement required under § 5-563 of this subtitle; and

28 (3) payment for the costs of the criminal history records check.

29 5-563.

30 (a) As part of the application process for a criminal history records check, the
31 employee, employer, and individual identified in § 5-561(c), (d), (e), [or] (f), OR (G) of
32 this subtitle shall complete and sign a sworn statement or affirmation disclosing the
33 existence of a criminal conviction, probation before judgment disposition, not
34 criminally responsible disposition, or pending criminal charges without a final
35 disposition.

1 (b) (3) The Department or its designee shall mail an acknowledged receipt of
2 the application with a sworn statement or affirmation from an individual identified
3 in § 5-561(c), (d), (e), [or] (f), OR (G) of this subtitle to the appropriate local
4 department of social services, registering agency, licensed child placement agency, or
5 facility.

6 5-564.

7 (a) (1) (i) The Department shall conduct the criminal history records
8 check and issue the printed statement provided for under this Part VI of this subtitle.

9 (ii) It shall update an initial criminal history records check for an
10 employee, employer, or individual identified in § 5-561(c), (d), (e), [or] (f), OR (G) of
11 this subtitle and issue a revised printed statement, listing any convictions, probation
12 before judgment dispositions, not criminally responsible dispositions, or pending
13 criminal charges occurring in the State after the date of the initial criminal history
14 records check.

15 (d) (4) Upon completion of the criminal history records check of an
16 individual identified in § 5-561(c), (d), (e), [or] (f), OR (G) of this subtitle, the
17 Department shall submit the printed statement to the appropriate local department
18 of social services, registering agency, or licensed placement agency.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2000.