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

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 20, 2000

CHAPTER _____

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~~
5 requiring certain individuals to obtain a criminal history records check if
6 requested by a local department of social services; making certain conforming
7 changes in provisions of law establishing procedures for obtaining a criminal
8 history records check requiring the local department of social services to
9 reimburse a certain individual for certain costs; and generally relating to
10 criminal history records checks of parents or guardians of certain children in
11 out-of-home placements and other individuals residing with a parent or
12 guardian.

13 ~~BY adding to~~
14 ~~Article - Family Law~~
15 ~~Section 5-561(g)~~
16 ~~Annotated Code of Maryland~~
17 ~~(1999 Replacement Volume and 1999 Supplement)~~

18 BY repealing and reenacting, with amendments,
19 Article - Family Law
20 Section 5-561(g) and (c) and (h), 5-562(b), 5-563(a) and (b)(3), and 5-564(a)(1)
21 and (d)(4)
22 Annotated Code of Maryland
23 (1999 Replacement Volume and 1999 Supplement)

24 BY repealing and reenacting, without amendments,

1 Article - Family Law
2 Section 5-561(g)
3 Annotated Code of Maryland
4 (1999 Replacement Volume and 1999 Supplement)

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

7 **Article - Family Law**

8 5-561.

9 (c) The following individuals shall obtain a criminal history records check
10 under this Part VI of this subtitle:

11 (1) an individual who is seeking to adopt a child through a local
12 department of social services or licensed child placement agency;

13 (2) an adult relative with whom a child, committed to a local department
14 of social services, is placed by the local department of social services; [and]

15 (3) any adult known by a local department of social services to be
16 residing in a:

17 (i) family day care home required to be registered under Title 5 of
18 this article;

19 (ii) home of an adult relative of a child with whom the child,
20 committed to a local department of social services, is placed by the local department of
21 social services;

22 (iii) foster care home or child care home required to be approved
23 under Title 5 of this article; or

24 (iv) home of an individual seeking to adopt a child through a local
25 department of social services or a licensed child placement agency; AND

26 (4) IF REQUESTED BY A LOCAL DEPARTMENT OF SOCIAL SERVICES:

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

30 (II) ANY ADULT KNOWN BY THE LOCAL DEPARTMENT TO BE
31 RESIDING IN THE HOME OF THE PARENT OR GUARDIAN.

32 (g) A person who is required to have a criminal history records check under
33 this Part VI of this subtitle shall pay for:

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

3 (2) reasonable administrative costs to the Department, not to exceed
4 10% of the processing fee; and

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

7 (h) (1) An employer or other party may pay for the costs borne by the
8 employee or other individual under subsection (g) of this section.

9 (2) The local department of social services shall reimburse:

10 (I) an adult residing in a foster care home for the costs borne by the
11 individual under subsection (g) of this section; AND

12 (II) AN INDIVIDUAL DESCRIBED IN SUBSECTION (C)(4)(II) OF THIS
13 SECTION FOR THE COSTS BORNE BY THE INDIVIDUAL UNDER SUBSECTION (G) OF
14 THIS SECTION.

15 ~~(G) A LOCAL DEPARTMENT OF SOCIAL SERVICES MAY REQUIRE THE~~
16 ~~FOLLOWING INDIVIDUALS TO OBTAIN A CRIMINAL HISTORY RECORDS CHECK UNDER~~
17 ~~THIS PART VI OF THIS SUBTITLE:~~

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

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

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

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

27 ~~(2) reasonable administrative costs to the Department, not to exceed~~
28 ~~10% of the processing fee; and~~

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

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

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

1 ~~5-562.~~

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

5 (1) ~~except as provided in subsection (e) of this section, a complete set of~~
6 ~~legible fingerprints taken on standard fingerprint cards at any designated State or~~
7 ~~local law enforcement office in the State or other location approved by the~~
8 ~~Department;~~

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

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

11 ~~5-563.~~

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

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

23 ~~5-564.~~

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

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

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

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

