

SENATE BILL 527

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2000 Regular Session
(01r2050)

ENROLLED BILL
-- Judicial Proceedings/Judiciary --

Introduced by **Senator Green**

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 **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~~

1 ~~(1999 Replacement Volume and 1999 Supplement)~~

2 BY repealing and reenacting, with amendments,

3 Article - Family Law

4 Section 5-561(g) and (h) (c) and (h), 5-562(b), 5-563(a) and (b)(3), and

5 5-564(a)(1) and (d)(4)

6 Annotated Code of Maryland

7 (1999 Replacement Volume and 1999 Supplement)

8 BY repealing and reenacting, without amendments,

9 Article - Family Law

10 Section 5-561(g)

11 Annotated Code of Maryland

12 (1999 Replacement Volume and 1999 Supplement)

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

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

15 **Article - Family Law**

16 5-561.

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

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

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

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

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

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

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

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

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

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

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

6 (g) A person who is required to have a criminal history records check under
7 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 10%
11 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) (1) An employer or other party may pay for the costs borne by the
15 employee or other individual under subsection (g) of this section.

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

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

19 (II) AN INDIVIDUAL DESCRIBED IN SUBSECTION (C)(4)(II) OF THIS
20 SECTION FOR THE COSTS BORNE BY THE INDIVIDUAL UNDER SUBSECTION (G) OF
21 THIS SECTION.

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

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

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

30 ~~{(g)} (H) A person who is required to have a criminal history records check~~
31 ~~under this Part VI of this subtitle shall pay for:~~

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

34 ~~(2) reasonable administrative costs to the Department, not to exceed~~
35 ~~10% of the processing fee; and~~

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

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

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

8 ~~5-562.~~

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

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

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

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

18 ~~5-563.~~

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

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

30 ~~5-564.~~

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

33 (ii) It shall update an initial criminal history records check for an
34 employee, employer, or individual identified in § 5-561(e), (d), (e), [or] (f), OR (G) of
35 this subtitle and issue a revised printed statement, listing any convictions, probation
36 before judgment dispositions, not criminally responsible dispositions, or pending

1 ~~criminal charges occurring in the State after the date of the initial criminal history~~
2 ~~records check.~~

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

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