

HOUSE BILL 1240

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2001 Regular Session
11r2355
CF 11r2356

By: **Delegate Love**

Introduced and read first time: February 9, 2001

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 13, 2001

CHAPTER _____

1 AN ACT concerning

2 **Child Abuse - Reports - Public School Contractors and Employees of**
3 **Contractors**

4 FOR the purpose of authorizing the disclosure of reports or records concerning child
5 abuse or neglect to certain public school superintendents for certain purposes
6 following a report of certain abuse committed by an independent contractor or
7 an employee of an independent contractor who supervises or works directly with
8 students; and generally relating to the disclosure of certain child abuse reports
9 regarding public school contractors and employees of contractors.

10 BY repealing and reenacting, with amendments,
11 Article 88A - Department of Human Resources
12 Section 6(b)
13 Annotated Code of Maryland
14 (1998 Replacement Volume and 2000 Supplement)

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

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

18 6.

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

- 1 (1) Shall be disclosed:
- 2 (i) Under a court order; or
- 3 (ii) Under an order of an administrative law judge, if the request for
4 disclosure concerns a case pending before the Office of Administrative Hearings and
5 provisions are made to comply with other State or federal confidentiality laws and to
6 protect the identity of the reporter or other person whose life or safety is likely to be
7 endangered by disclosure; and
- 8 (2) May be disclosed on request:
- 9 (i) To personnel of local or State departments of social services, law
10 enforcement personnel, and members of multidisciplinary case consultation teams,
11 who are investigating a report of known or suspected child abuse or neglect or who
12 are providing services to a child or family that is the subject of the report;
- 13 (ii) To local or State officials responsible for the administration of
14 child protective services or child care, foster care, and adoption licensing, approval, or
15 regulations as necessary to carry out their official functions;
- 16 (iii) To the State Council on Child Abuse and Neglect, the State
17 Citizens Review Board for Children, or their designees, or a child fatality review team
18 as necessary to carry out their official functions;
- 19 (iv) To a person who is the alleged child abuser or the person who is
20 suspected of child neglect if that person is responsible for the child's welfare and
21 provisions are made for the protection of the identity of the reporter or any other
22 person whose life or safety is likely to be endangered by disclosing the information;
- 23 (v) To a licensed practitioner who, or an agency, institution, or
24 program which, is providing treatment or care to a child who is the subject of a report
25 of child abuse or neglect for a purpose relevant to the provision of the treatment or
26 care;
- 27 (vi) To a parent or other person who has permanent or temporary
28 care and custody of a child, if provisions are made for the protection of the identity of
29 the reporter or any other person whose life or safety is likely to be endangered by
30 disclosing the information;
- 31 (vii) To the appropriate public school superintendent for the purpose
32 of carrying out appropriate personnel OR ADMINISTRATIVE actions following a report
33 of suspected child abuse involving a student committed by [a]:
- 34 1. A public school employee in that school system;
- 35 2. AN INDEPENDENT CONTRACTOR WHO SUPERVISES OR
36 WORKS DIRECTLY WITH STUDENTS IN THAT SCHOOL SYSTEM; OR

