

SENATE BILL 810

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2001 Regular Session
1r2356
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By: **Senator Jimeno**
Introduced and read first time: February 14, 2001
Assigned to: Rules

A BILL ENTITLED

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:

24 (1) Shall be disclosed:

25 (i) Under a court order; or

26 (ii) Under an order of an administrative law judge, if the request for
27 disclosure concerns a case pending before the Office of Administrative Hearings and
28 provisions are made to comply with other State or federal confidentiality laws and to

1 protect the identity of the reporter or other person whose life or safety is likely to be
2 endangered by disclosure; and

3 (2) May be disclosed on request:

4 (i) To personnel of local or State departments of social services, law
5 enforcement personnel, and members of multidisciplinary case consultation teams,
6 who are investigating a report of known or suspected child abuse or neglect or who
7 are providing services to a child or family that is the subject of the report;

8 (ii) To local or State officials responsible for the administration of
9 child protective services or child care, foster care, and adoption licensing, approval, or
10 regulations as necessary to carry out their official functions;

11 (iii) To the State Council on Child Abuse and Neglect, the State
12 Citizens Review Board for Children, or their designees, or a child fatality review team
13 as necessary to carry out their official functions;

14 (iv) To a person who is the alleged child abuser or the person who is
15 suspected of child neglect if that person is responsible for the child's welfare and
16 provisions are made for the protection of the identity of the reporter or any other
17 person whose life or safety is likely to be endangered by disclosing the information;

18 (v) To a licensed practitioner who, or an agency, institution, or
19 program which, is providing treatment or care to a child who is the subject of a report
20 of child abuse or neglect for a purpose relevant to the provision of the treatment or
21 care;

22 (vi) To a parent or other person who has permanent or temporary
23 care and custody of a child, if provisions are made for the protection of the identity of
24 the reporter or any other person whose life or safety is likely to be endangered by
25 disclosing the information;

26 (vii) To the appropriate public school superintendent for the purpose
27 of carrying out appropriate personnel OR ADMINISTRATIVE actions following a report
28 of suspected child abuse involving a student committed by [a]:

29 1. A public school employee in that school system;

30 2. AN INDEPENDENT CONTRACTOR WHO SUPERVISES OR
31 WORKS DIRECTLY WITH STUDENTS IN THAT SCHOOL SYSTEM; OR

32 3. AN EMPLOYEE OF AN INDEPENDENT CONTRACTOR,
33 INCLUDING A BUS DRIVER OR BUS ASSISTANT, WHO SUPERVISES OR WORKS
34 DIRECTLY WITH STUDENTS IN THAT SCHOOL SYSTEM; or

35 (viii) To the director of a licensed child care facility or licensed child
36 placement agency for the purpose of carrying out appropriate personnel actions
37 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's or agency's care.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 July 1, 2001.