

HOUSE BILL 1328

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2002 Regular Session
2lr2805
CF 2lr2806

By: **Delegate Montague**

Introduced and read first time: February 19, 2002

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Child Abuse and Neglect - Central Registry - Exception**

3 FOR the purpose of establishing that a certain child abuse and neglect case file for
4 which access is limited to certain local social services department staff
5 responsible for the investigation may not be included in the central registry
6 until after a certain individual found responsible by the local department for
7 indicated or unsubstantiated child abuse has been found guilty of certain
8 criminal charges, unsuccessfully appealed the finding of the local department,
9 or failed to exercise certain appeal rights; defining a certain term; and generally
10 relating to the central registry and information regarding child abuse and
11 neglect investigations.

12 BY repealing and reenacting, with amendments,
13 Article - Family Law
14 Section 5-701(d) and 5-714(b)
15 Annotated Code of Maryland
16 (1999 Replacement Volume and 2001 Supplement)

17 BY repealing and reenacting, without amendments,
18 Article - Family Law
19 Section 5-701(i) and (o) and 5-714(d) and (e)
20 Annotated Code of Maryland
21 (1999 Replacement Volume and 2001 Supplement)

22 BY adding to
23 Article - Family Law
24 Section 5-701(o-1)
25 Annotated Code of Maryland
26 (1999 Replacement Volume and 2001 Supplement)

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

1 **Article - Family Law**

2 5-701.

3 (d) (1) ["Central] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
4 SUBSECTION, "CENTRAL registry" means any component of the Department's
5 confidential computerized database that contains information regarding child abuse
6 and neglect investigations.

7 (2) "CENTRAL REGISTRY" DOES NOT INCLUDE A LOCAL DEPARTMENT
8 CASE FILE.

9 (i) "Identifying information" means the name of:

10 (1) the child who is alleged to have been abused or neglected;

11 (2) a member of the household of the child;

12 (3) a parent or legal guardian of the child; or

13 (4) an individual suspected of being responsible for abuse or neglect of
14 the child.

15 (o) "Local department" means the department of social services that has
16 jurisdiction in the county:

17 (1) where the allegedly abused or neglected child lives; or

18 (2) if different, where the abuse or neglect is alleged to have taken place.

19 (O-1) "LOCAL DEPARTMENT CASE FILE" MEANS THAT COMPONENT OF THE
20 DEPARTMENT'S CONFIDENTIAL COMPUTERIZED DATABASE THAT CONTAINS
21 INFORMATION REGARDING CHILD ABUSE AND NEGLECT INVESTIGATIONS TO WHICH
22 ACCESS IS LIMITED TO THE LOCAL DEPARTMENT STAFF RESPONSIBLE FOR THE
23 INVESTIGATION.

24 5-714.

25 (b) (1) The respective local departments throughout this State shall provide
26 the information for a central registry.

27 (2) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A
28 CENTRAL REGISTRY MAY NOT INCLUDE INFORMATION FROM A LOCAL DEPARTMENT
29 CASE FILE UNTIL ANY INDIVIDUAL FOUND RESPONSIBLE FOR INDICATED OR
30 UNSUBSTANTIATED CHILD ABUSE OR NEGLECT HAS:

31 (I) BEEN FOUND GUILTY OF ANY CRIMINAL CHARGE ARISING
32 FROM THE ALLEGED ABUSE OR NEGLECT;

33 (II) UNSUCCESSFULLY APPEALED THE FINDING IN ACCORDANCE
34 WITH THE PROCEDURES ESTABLISHED UNDER § 5-706.1 OF THIS SUBTITLE; OR

1 (III) FAILED TO EXERCISE THE APPEAL RIGHTS WITH THE TIME
2 FRAMES SPECIFIED IN § 5-706.1 OF THIS SUBTITLE, TITLE 10, SUBTITLE 2 OF THE
3 STATE GOVERNMENT ARTICLE, OR THE MARYLAND RULES.

4 (d) (1) Except as provided in paragraph (2) of this subsection, and subject to
5 subsection (e) of this section, a central registry may contain identifying information
6 related to an investigation of abuse or neglect.

7 (2) A central registry may not contain identifying information related to
8 an investigation of abuse or neglect if:

9 (i) abuse or neglect has been ruled out; or

10 (ii) the abuse or neglect finding has been expunged in accordance
11 with § 5-707(b)(1) of this subtitle.

12 (e) (1) The Department or a local department may identify an individual as
13 responsible for abuse or neglect in a central registry only if the individual:

14 (i) has been found guilty of any criminal charge arising out of the
15 alleged abuse or neglect; or

16 (ii) has been found responsible for indicated abuse or neglect and
17 has:

18 1. unsuccessfully appealed the finding in accordance with
19 the procedures established under § 5-706.1 of this subtitle; or

20 2. failed to exercise the individual's appeal rights within the
21 time frames specified in § 5-706.1 of this subtitle, Title 10, Subtitle 2 of the State
22 Government Article, or the Maryland Rules.

23 (2) The Department without the necessity of a request shall remove from
24 the name of an individual described in paragraph (1) of this subsection the
25 identification of that individual as responsible for abuse or neglect if no entry has
26 been made for that individual for 7 years after the entry of the individual's name in a
27 registry.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2002.