
By: **Delegate Pitkin**

Introduced and read first time: February 28, 2002

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Office of the Attorney General - Child Abuse Complaints Ombudsman**

3 FOR the purpose of creating the position of a Child Abuse Complaints Ombudsman in
4 the Office of the Attorney General; defining the function of the Ombudsman;
5 requiring the Attorney General to employ an attorney with certain
6 qualifications as Ombudsman; providing for the salary of the Ombudsman;
7 authorizing the Attorney General to employ certain staff; providing for the
8 duties of the Ombudsman; authorizing the Attorney General to adopt certain
9 regulations; requiring the Ombudsman to report to the Governor and the
10 General Assembly; defining a certain term; and generally relating to a Child
11 Abuse Complaints Ombudsman.

12 BY adding to

13 Article - State Government

14 Section 6-301 through 6-304, inclusive, to be under the new subtitle "Subtitle 3.

15 Child Abuse Complaints Ombudsman"

16 Annotated Code of Maryland

17 (1999 Replacement Volume and 2001 Supplement)

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

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

20 **Article - State Government**

21 **SUBTITLE 3. CHILD ABUSE COMPLAINTS OMBUDSMAN.**

22 6-301.

23 (A) IN THIS SUBTITLE, "OMBUDSMAN" MEANS THE CHILD ABUSE COMPLAINTS
24 OMBUDSMAN IN THE OFFICE OF THE ATTORNEY GENERAL.

25 (B) THERE IS A CHILD ABUSE COMPLAINTS OMBUDSMAN IN THE OFFICE OF
26 THE ATTORNEY GENERAL.

1 (C) THE FUNCTION OF THE OMBUDSMAN IS TO INVESTIGATE ANY COMPLAINT
2 AGAINST A SOCIAL WORKER, CASE WORKER, OR EMPLOYEE OF THE LOCAL
3 DEPARTMENT THAT ALLEGES THE SOCIAL WORKER, CASE WORKER, OR EMPLOYEE
4 OF THE LOCAL DEPARTMENT ABUSED POWER, NEGLECTED, OR FAILED TO ADHERE
5 TO THE PROVISIONS OF TITLE 5, SUBTITLE 7 OF THE FAMILY LAW ARTICLE WHILE
6 INVESTIGATING A SUSPECTED CHILD ABUSE CASE.

7 6-302.

8 (A) THE ATTORNEY GENERAL SHALL EMPLOY AS OMBUDSMAN AN ATTORNEY
9 WHO HAS EXTENSIVE KNOWLEDGE OF CHILD ABUSE LAWS.

10 (B) THE OMBUDSMAN SHALL RECEIVE THE SALARY PROVIDED IN THE STATE
11 BUDGET.

12 (C) THE OMBUDSMAN SHALL BE A PRACTICING ATTORNEY OF THE STATE IN
13 GOOD STANDING.

14 (D) THE ATTORNEY GENERAL MAY EMPLOY A STAFF NECESSARY TO CARRY
15 OUT THIS SUBTITLE IN ACCORDANCE WITH THE STATE BUDGET.

16 6-303.

17 (A) THE OMBUDSMAN SHALL:

18 (1) ENSURE THAT THE LOCAL DEPARTMENT IS IN COMPLIANCE WITH
19 TITLE 5, SUBTITLE 7 OF THE FAMILY LAW ARTICLE; AND

20 (2) DEVELOP AND MAINTAIN EXPERTISE IN AND UNDERSTANDING OF
21 LAWS DESIGNED TO PROTECT A CHILD FROM ABUSE OR NEGLECT.

22 (B) THE OMBUDSMAN MAY:

23 (1) INVESTIGATE A COMPLAINT ALLEGING THAT AN ADMINISTRATIVE
24 ACT IS CONTRARY TO THE LAW, REGULATIONS, OR POLICY OF THIS SUBTITLE;

25 (2) INVESTIGATE A COMPLAINT ALLEGING THAT A SOCIAL WORKER OR
26 CASEWORKER FAILED TO ADHERE TO PROVISIONS OF TITLE 5, SUBTITLE 7 OF THE
27 FAMILY LAW ARTICLE AND THE APPLICABLE REGULATIONS WHILE INVESTIGATING
28 SUSPECTED CHILD ABUSE OR ANY OTHER COMPLAINT FILED AGAINST A SOCIAL
29 WORKER, CASEWORKER, OR EMPLOYEE OF A LOCAL DEPARTMENT;

30 (3) ESTABLISH PROCEDURES FOR RECEIVING AND PROCESSING
31 COMPLAINTS;

32 (4) CONDUCT HEARINGS;

33 (5) REQUEST INDIVIDUALS TO APPEAR BEFORE THE OMBUDSMAN AND
34 GIVE TESTIMONY; AND

1 (6) REQUEST DOCUMENTS OR OTHER EVIDENCE THE OMBUDSMAN
2 CONSIDERS NECESSARY.

3 (C) THE ATTORNEY GENERAL SHALL ADOPT REGULATIONS TO IMPLEMENT
4 THE PROVISIONS OF THIS SUBTITLE.

5 (D) THE OMBUDSMAN SHALL EVALUATE AND REPORT ANNUALLY TO THE
6 GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE
7 GENERAL ASSEMBLY ON THE OMBUDSMAN'S FINDINGS AND MAKE
8 RECOMMENDATIONS FOR IMPROVEMENTS IN CHILD PROTECTIVE SERVICES,
9 ADOPTION, AND FOSTER CARE.

10 6-304.

11 (A) AN INDIVIDUAL MAY FILE A COMPLAINT WITH THE OMBUDSMAN THAT
12 ALLEGES THAT:

13 (1) A SOCIAL WORKER, CASE WORKER, OR OTHER EMPLOYEE OF THE
14 LOCAL DEPARTMENT, IMPROPERLY INVESTIGATED, SUPERVISED OR PLACED A
15 CHILD THAT HAS BEEN SUBJECTED TO ABUSE OR NEGLECT;

16 (2) AN ADMINISTRATIVE ACT IS CONTRARY TO STATE LAW OR
17 REGULATIONS;

18 (3) AN ADMINISTRATIVE ACT WAS IMPOSED WITHOUT AN ADEQUATE
19 STATEMENT OF REASON; OR

20 (4) AN ADMINISTRATIVE ACT WAS BASED ON IRRELEVANT, IMMATERIAL
21 OR ERRONEOUS GROUNDS.

22 (B) (1) THE OMBUDSMAN SHALL NOTIFY THE INDIVIDUAL WHO FILED THE
23 COMPLAINT, THE CASE WORKER, SOCIAL WORKER, OR EMPLOYEE OF THE LOCAL
24 DEPARTMENT, AND THE LOCAL DEPARTMENT, IN WRITING, WHEN THE OMBUDSMAN
25 DECIDES WHETHER TO INVESTIGATE A COMPLAINT OR CONTINUE AN
26 INVESTIGATION.

27 (2) THE NOTIFICATION SHALL INCLUDE THE REASONS FOR THE
28 OMBUDSMAN'S DECISION TO INVESTIGATE, DECLINE TO INVESTIGATE, OR
29 CONTINUE AN INVESTIGATION.

30 (C) UPON THE COMPLETION OF AN INVESTIGATION, IF THE OMBUDSMAN
31 FINDS THAT THE ACTIONS OF A SOCIAL WORKER, CASE WORKER, OR EMPLOYEE OF
32 THE LOCAL DEPARTMENT VIOLATED A PROVISION OF LAW UNDER THIS SUBTITLE
33 THE OMBUDSMAN SHALL:

34 (1) FILE A REPORT WITH THE ATTORNEY GENERAL RECOMMENDING
35 PROSECUTION; AND

1 (2) IN CASES INVOLVING LICENSED SOCIAL WORKERS, FILE A REPORT
2 WITH THE STATE BOARD OF SOCIAL WORK EXAMINERS IN ACCORDANCE WITH §
3 19-311 OF THE HEALTH OCCUPATIONS ARTICLE.

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