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By: **Delegate Pitkin**  
Introduced and read first time: March 1, 2002  
Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Criminal History Records Check - Child Access Transfer**  
3 **Centers and Supervised Visitation Centers**

4 FOR the purpose of requiring certain employees, employers, and volunteers of a child  
5 access transfer center or supervised visitation center to obtain criminal history  
6 records checks under certain circumstances; and generally relating to  
7 employees, employers, and volunteers at child access transfer centers or  
8 supervised visitation centers.

9 BY repealing and reenacting, with amendments,  
10 Article - Family Law  
11 Section 5-561  
12 Annotated Code of Maryland  
13 (1999 Replacement Volume and 2001 Supplement)

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

16 **Article - Family Law**

17 5-561.

18 (a) Notwithstanding any provision of law to the contrary, an employee and  
19 employer in a facility identified in subsection (b) of this section and persons identified  
20 in subsection (c) of this section shall apply for a national and State criminal history  
21 records check at any designated law enforcement office in this State.

22 (b) The following facilities shall require employees and employers to obtain a  
23 criminal history records check under this Part VI of this subtitle:

24 (1) a child care center required to be licensed under Part VII of this  
25 subtitle;

26 (2) a family day care home required to be registered under Part V of this  
27 subtitle;

1 (3) a child care home required to be licensed under this subtitle or under  
2 Article 83C of the Code;

3 (4) a child care institution required to be licensed under this subtitle or  
4 under Article 83C of the Code;

5 (5) a juvenile detention, correction, or treatment facility provided for in  
6 Article 83C of the Code;

7 (6) a public school as defined in Title 1 of the Education Article;

8 (7) a private or nonpublic school required to report annually to the State  
9 Board of Education under Title 2 of the Education Article;

10 (8) a foster care family home or group facility as defined under this  
11 subtitle;

12 (9) a recreation center or recreation program operated by State or local  
13 government primarily serving minors; [or]

14 (10) a day or residential camp, as defined in Title 10, Subtitle 16 of the  
15 Code of Maryland Regulations, primarily serving minors[.]; OR

16 (11) A CHILD ACCESS TRANSFER CENTER OR SUPERVISED VISITATION  
17 CENTER PROVIDING MONITORED EXCHANGES OF CHILDREN OR SUPERVISED  
18 VISITATION ORDERED BY A JUDGE UNDER § 9-101(B) OF THE FAMILY LAW ARTICLE.

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

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

23 (2) an adult relative with whom a child, committed to a local department  
24 of social services, is placed by the local department of social services;

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

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

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

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

34 (iv) home of an individual seeking to adopt a child through a local  
35 department of social services or a licensed child placement agency; and

1 (4) if requested by a local department of social services:

2 (i) a parent or guardian of a child who is committed to the local  
3 department and is or has been placed in an out-of-home placement within the past  
4 year; and

5 (ii) any adult known by the local department to be residing in the  
6 home of the parent or guardian.

7 (d) (1) [An] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,  
8 AN employer at a facility under subsection (b) of this section may require a volunteer  
9 at the facility to obtain a criminal history records check under this Part VI of this  
10 subtitle.

11 (2) AN EMPLOYER OF A FACILITY DESCRIBED IN SUBSECTION (B)(11) OF  
12 THIS SECTION SHALL REQUIRE A VOLUNTEER AT THE FACILITY TO OBTAIN A  
13 CRIMINAL HISTORY RECORDS CHECK UNDER THIS PART VI OF THIS SUBTITLE.

14 (e) A local department of social services may require a volunteer of that  
15 department who works with children to obtain a criminal history records check under  
16 this Part VI of this subtitle.

17 (f) An employer at a facility not identified in subsection (b) of this section who  
18 employs individuals to work with children may require employees, including  
19 volunteers, to obtain a criminal history records check under this Part VI of this  
20 subtitle.

21 (g) An employer, as defined in § 5-560(e)(2) of this subtitle, shall require an  
22 employee, as defined in § 5-560(d)(2) of this subtitle, to obtain a criminal history  
23 records check under this Part IV of this subtitle.

24 (h) A person who is required to have a criminal history records check under  
25 this Part VI of this subtitle shall pay for:

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

28 (2) reasonable administrative costs to the Department, not to exceed  
29 10% of the processing fee; and

30 (3) the fee authorized under § 10-221(b)(7) of the Criminal Procedure  
31 Article for access to Maryland criminal history records.

32 (i) (1) An employer or other party may pay for the costs borne by the  
33 employee or other individual under subsection (h) of this section.

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

35 (i) an adult residing in a foster care home for the costs borne by the  
36 individual under subsection (h) of this section; and

1                   (ii)       an individual described in subsection (c)(4)(ii) of this section for  
2 the costs borne by the individual under subsection (h) of this section.

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