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By: Delegates Zirkin and Morhaim Introduced and read first time: February 6, 2003 Assigned to: Judiciary Committee Report: Favorable with amendments House action: Adopted Read second time: March 18, 2003				
1 AN ACT concerning				
2 Family Law - Central Registry - Exception				
FOR the purpose of prohibiting a central registry of information regarding child abuse or neglect investigations, maintained by Department of Human Resources, of information regarding child abuse or neglect investigations from including the identity of an individual related to an investigation of neglect or found responsible for neglect under certain circumstances; and generally relating to the central registry. BY repealing and reenacting, with amendments, Article - Family Law Section 5-714 Annotated Code of Maryland (1999 Replacement Volume and 2002 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 5-714.				
18 (a) The Social Services Administration and each local department may 19 maintain a central registry of cases reported under this subtitle.				
20 (b) (1) The respective local departments throughout this State shall provide 21 the information for a central registry.				

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3	this section, a central r	egistry n	for identifying information authorized under subsection (d) of may not include information from a local department bund responsible for indicated or unsubstantiated child	
5 6	alleged abuse or negle	(i) ct;	been found guilty of any criminal charge arising from the	
7 8		(ii) l under §	unsuccessfully appealed the finding in accordance with the 5-706.1 of this subtitle; or	
			failed to exercise the appeal rights within the time frames ubtitle, Title 10, Subtitle 2 of the State Government s.	
12	(c) The infor	rmation i	in a central registry shall be at the disposal of:	
13	(1)	the prote	ective services staff of the Social Services Administration;	
14 15			ective services staffs of local departments who are cted abuse or neglect; and	
16 17	(3) suspected abuse or ne		orcement personnel who are investigating a report of	
	3 (d) (1) Except as provided in paragraph (2) of this subsection, and subject to subsection (e) of this section, a central registry may contain identifying information related to an investigation of abuse or neglect.			
21 22	(2) an investigation of abo		al registry may not contain identifying information related to eglect if:	
23		(i)	abuse or neglect has been ruled out; or	
24 25	with § 5-707(b)(1) of	(ii) this subt	the abuse or neglect finding has been expunged in accordance itle.	
26 27			partment or a local department may identify an individual as central registry only if the individual:	
28 29	alleged abuse or negle	(i) ect; or	has been found guilty of any criminal charge arising out of the	
30 31	has:	(ii)	has been found responsible for indicated abuse or neglect and	
32 33		shed und	1. unsuccessfully appealed the finding in accordance with der § 5-706.1 of this subtitle; or	

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1 2. failed to exercise the individual's appeal rights within the 2 time frames specified in § 5-706.1 of this subtitle, Title 10, Subtitle 2 of the State 3 Government Article, or the Maryland Rules. 4 The Department without the necessity of a request shall remove from 5 the name of an individual described in paragraph (1) of this subsection the 6 identification of that individual as responsible for abuse or neglect if no entry has 7 been made for that individual for 7 years after the entry of the individual's name in a 8 registry. 9 Except for information entered in accordance with subsection (e) of (f) (1) 10 this section, information in a central registry may not be used as a sole basis for 11 responding to any request for background information for employment or voluntary 12 service. 13 (2) An official or employee of the Department or a local department who 14 releases information from a central registry in violation of paragraph (1) of this 15 subsection is subject to the penalty provided in Article 88A, § 6(e) of the Code. 16 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE CENTRAL 17 REGISTRY MAY NOT INCLUDE THE IDENTITY OF AN INDIVIDUAL RELATED TO AN 18 INVESTIGATION OF NEGLECT OR FOUND RESPONSIBLE FOR NEGLECT WHEN: 19 (1) A CHILD HAS BEEN RELEASED FROM A HOSPITAL OR OTHER 20 FACILITY; (2)THE CHILD HAS BEEN DIAGNOSED WITH A MENTAL DISORDER OR 22 DEVELOPMENTAL DISABILITY; AND 23 (3)THE INDIVIDUAL HAS FAILED TO TAKE THE CHILD HOME DUE TO A 24 REASONABLE FEAR FOR THE SAFETY OF THE CHILD OR CHILD'S FAMILY. 25 (H) The Secretary of Human Resources: [(g)]shall adopt regulations necessary to protect the rights of individuals 26 27 suspected of abuse or neglect; and 28 (2) may adopt regulations to implement the provisions of this section. 29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 30 October 1, 2003.