

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

House Bill 532
Judiciary

(Delegates Zirkin and Morhaim)

Judicial Proceedings

Family Law - Central Registry - Exception

This bill prohibits the central registry of child abuse and neglect investigations maintained by the Department of Human Resources' (DHR) Social Services Administration (SSA) from including the identity of an individual related to an investigation of neglect or found responsible for neglect when: (1) a child is released from a hospital or other facility; (2) the child has been diagnosed with a mental disorder or developmental disability; and (3) the individual has failed to take the child home due to a reasonable fear for the safety of the child or the child's family.

Fiscal Summary

State Effect: The bill's requirements could be handled within existing resources. It is expected that the number of cases involved would be small.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: A child is considered to be a child in need of assistance (CINA) if the child requires court intervention because the child was abused or neglected, has a developmental disability, or has a mental disorder, and the child's parents, guardian, or custodian are unable or unwilling to give the child proper care and attention.

A court must hold a separate CINA disposition hearing after an adjudicatory hearing to determine whether the child is a CINA, unless the CINA petition is dismissed. The

CINA disposition hearing must be held on the same day as the adjudicatory hearing unless the court finds there is a good reason to delay the hearing. A CINA disposition hearing can be delayed for no more than 30 days after the adjudicatory hearing unless good cause is shown.

In making a disposition on a CINA petition, the court must: (1) find that the child is not in need of assistance and dismiss the case; or (2) find that the child needs assistance and either not change the child's custody status or commit the child to the custody of a parent, relative, or other individual or to a local department of social services, the Department of Health and Mental Hygiene, or both.

The registry is any component of DHR's confidential computerized database that contains information regarding child abuse and neglect investigations. The local departments of social services throughout the State provide information for the registry.

The registry may include identifying information related to an investigation but not if abuse or neglect has been ruled out or the abuse or neglect finding has been expunged.

The registry may not include information from a local department case file until any individual found responsible for indicated or unsubstantiated child abuse or neglect has: been found guilty of any criminal charge arising from the alleged abuse or neglect; unsuccessfully appealed the finding; or failed to exercise the appeal rights within specified time frames.

Indicated is defined as a finding that there is credible evidence, which has not been satisfactorily refuted, that abuse, neglect, or sexual abuse did occur. Unsubstantiated is defined as a finding that there is an insufficient amount of evidence to support a finding of indicated or ruled out.

Registry information is at the disposal of: SSA protective services staff; local department of social services protective services staff investigating a report of suspected abuse or neglect; and law enforcement personnel investigating a report of suspected abuse or neglect.

DHR must remove an individual's name identified as responsible for abuse or neglect from the registry if no entry has been made for that individual for seven years after the person's name was entered into the registry.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Human Resources, Department of Legislative Services

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