

HOUSE BILL 63

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2004 Regular Session  
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(PRE-FILED)

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By: **Delegate Anderson**

Requested: November 17, 2003

Introduced and read first time: January 14, 2004

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Central Registry - Conviction for Child Abuse or Neglect**

3 FOR the purpose of requiring that a certain individual be convicted of a certain  
4 criminal charge before a central registry of child abuse and neglect cases may  
5 include information from a local department case file; and generally relating to  
6 the child abuse and neglect central registry.

7 BY repealing and reenacting, with amendments,  
8 Article - Family Law  
9 Section 5-714  
10 Annotated Code of Maryland  
11 (1999 Replacement Volume and 2003 Supplement)

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

14 **Article - Family Law**

15 5-714.

16 (a) The Social Services Administration and each local department may  
17 maintain a central registry of cases reported under this subtitle.

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

20 (2) Except for identifying information authorized under subsection (d) of  
21 this section, a central registry may not include information from a local department  
22 case file until any individual found responsible for indicated or unsubstantiated child  
23 abuse or neglect has:

24 (i) been [found guilty] CONVICTED of any criminal charge arising  
25 from the alleged abuse or neglect;

1 (ii) unsuccessfully appealed the finding in accordance with the  
2 procedures established under § 5-706.1 of this subtitle; or

3 (iii) failed to exercise the appeal rights within the time frames  
4 specified in § 5-706.1 of this subtitle, Title 10, Subtitle 2 of the State Government  
5 Article, or the Maryland Rules.

6 (c) The information in a central registry shall be at the disposal of:

7 (1) the protective services staff of the Social Services Administration;

8 (2) the protective services staffs of local departments who are  
9 investigating a report of suspected abuse or neglect; and

10 (3) law enforcement personnel who are investigating a report of  
11 suspected abuse or neglect.

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

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

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

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

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

22 (i) has been [found guilty] CONVICTED of any criminal charge  
23 arising out of the alleged abuse or neglect; or

24 (ii) has been found responsible for indicated abuse or neglect and  
25 has:

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

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

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

1 (f) (1) Except for information entered in accordance with subsection (e) of  
2 this section, information in a central registry may not be used as a sole basis for  
3 responding to any request for background information for employment or voluntary  
4 service.

5 (2) An official or employee of the Department or a local department who  
6 releases information from a central registry in violation of paragraph (1) of this  
7 subsection is subject to the penalty provided in Article 88A, § 6(e) of the Code.

8 (g) Notwithstanding any other provision of law, the central registry may not  
9 include the identity of an individual related to an investigation of neglect or found  
10 responsible for neglect when:

11 (1) a child has been released from a hospital or other facility;

12 (2) the child has been diagnosed with a mental disorder or  
13 developmental disability; and

14 (3) the individual has failed to take the child home due to a reasonable  
15 fear for the safety of the child or child's family.

16 (h) The Secretary of Human Resources:

17 (1) shall adopt regulations necessary to protect the rights of individuals  
18 suspected of abuse or neglect; and

19 (2) may adopt regulations to implement the provisions of this section.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 2004.