

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL NO. 1197

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 16 down through “oversee” in line 17 and substitute “establishing an accountability council to plan, review, assess, and provide guidance on”; and in line 18, strike “team” and substitute “accountability council”.

On page 2, strike beginning with “requiring” in line 3 down through “date;” in line 6 and substitute “authorizing certain information to be disclosed under certain circumstances to certain persons; prohibiting a certain record or report concerning child abuse or neglect to contain certain identifying information under certain circumstances;”; and after line 12, insert:

“BY repealing and reenacting, with amendments,

Article 88A - Department of Human Resources

Section 6

Annotated Code of Maryland

(2003 Replacement Volume and 2004 Supplement)”.

AMENDMENT NO. 2

On page 3, strike beginning with “A” in line 19 down through “HOME” in line 24 and substitute “AN OUTCOME MEASUREMENT SYSTEM THAT EXPANDS ON FEDERAL OUTCOME MEASURES, AND IS USED TO MEASURE PERFORMANCE AT THE STATE AND LOCAL LEVELS”.

On page 4, strike beginning with “THE” in line 21 down through “(6)” in line 24; and in lines 27, 29, and 33, strike “(7)”, “(8)”, and “(9)”, respectively, and substitute “(6)”, “(7)”, and “(8)”, respectively.

On page 5, in lines 1, 3, 6, and 9, strike “(10)”, “(11)”, “(12)”, and “(13)”, respectively, and

(Over)

substitute “(9)”, “(10)”, “(11)”, and “(12)”, respectively; and in line 26, after “CARE;” insert “AND”.

On pages 5 and 6, strike beginning with “; AND” in line 32 on page 5 down through “EDUCATION” in line 6 on page 6.

On page 6, in line 12, strike “TEAM” and substitute “ACCOUNTABILITY COUNCIL”; strike beginning with “THE” in line 21 down through “(4)” in line 24; and in line 29, strike “(5)” and substitute “(4)”.

AMENDMENT NO. 3

On page 8, strike beginning with “AT” in line 21 down through “CHILD” in line 22; and in line 34, strike “2” and substitute “3”.

AMENDMENT NO. 4

On page 9, strike beginning with “RESOURCES” in line 10 down through “WEAKNESSES” in line 11 and substitute “AREAS NEEDING IMPROVEMENT WILL BE ADDRESSED AND HOW IMPROVEMENTS WILL BE MEASURED”.

AMENDMENT NO. 5

On page 9, in line 27, strike “TEAM” and substitute “CHILD WELFARE ACCOUNTABILITY COUNCIL”; in lines 30, 32, and 33, in each instance, strike “TEAM” and substitute “ACCOUNTABILITY COUNCIL”; in line 27, strike “AND OVERSEE” and substitute “REVIEW, ASSESS, AND PROVIDE GUIDANCE ON”; in line 30, after “ACCESS” insert “INFORMATION PROVIDED BY”; and in line 34, strike “MEMBERS” and substitute “ONE MEMBER”.

On page 10, in line 1, strike “MEMBERS” and substitute “ONE MEMBER”; in line 3, strike “MEMBERS” and substitute “ONE MEMBER”; in line 5, strike “REPRESENTATIVES” and substitute “ONE REPRESENTATIVE”; in the same line, after “FROM” insert “EACH OF”; in line 16, strike “THE OFFICE FOR CHILDREN, YOUTH, AND FAMILIES” and substitute “THE DEPARTMENT OF DISABILITIES”; in line 22, strike the second “AND”; in line 23, after “TEAM” insert “; AND”.

(XV) THE DEPARTMENT OF BUDGET AND MANAGEMENT.

(D) THE ACCOUNTABILITY COUNCIL SHALL SELECT THE CHAIR OF THE ADVISORY BOARD.

(E) THE DEPARTMENT OF HUMAN RESOURCES SHALL PROVIDE STAFF FOR THE ACCOUNTABILITY COUNCIL.

(F) THE ACCOUNTABILITY COUNCIL SHALL MEET QUARTERLY AND SHALL REPORT TO THE GOVERNOR AND THE GENERAL ASSEMBLY ANNUALLY BY DECEMBER 1”;

in line 24, strike “(D)” and substitute “(G)”; in line 26, after “SHALL” insert “IDENTIFY WAYS TO”; and in line 28, strike “(E)” and substitute “(H)”.

AMENDMENT NO. 6

On page 11, in line 34, after “(C)” insert “(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,”; in line 36, after “THE” insert “MOST RECENT”; and after line 37, insert:

“(2) THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION DO NOT APPLY IF:

(I) THE DEPARTMENT PARTICIPATED IN THE MOST RECENT NATIONAL CHILD MALTREATMENT INCIDENCE STUDY; AND

(II) THE MOST RECENT NATIONAL CHILD MALTREATMENT INCIDENCE STUDY IS LESS THAN 2 YEARS OLD.”.

AMENDMENT NO. 7

On page 12, in line 9, strike “SEPTEMBER 1, 2006” and substitute “JANUARY 1, 2007”; and in line 15, strike “DECEMBER 1, 2005” and substitute “JANUARY 1, 2007”.

On page 13, in lines 17 and 18, strike “: (1)” and substitute a comma; in line 18, strike

“JANUARY 15, 2006” and substitute “JANUARY 1, 2007”; in line 20, strike the semicolon; strike beginning with “(2)” in line 21 down through the second “REPORT” in line 22 and substitute “REPORTS”; and in lines 23, 26, 29, 32, 34, and 37, strike “(I)”, “(II)”, “(III)”, “(IV)”, “(V)”, and “(VI)”, respectively, and substitute “(1)”, “(2)”, “(3)”, “(4)”, “(5)”, and “(6)”, respectively.

AMENDMENT NO. 8

On page 3, after line 2, insert:

“Article 88A - Department of Human Resources

6.

(a) Except in accordance with a court order or to an authorized officer or employee of the State, another state or local government, or the United States, or a fiduciary institution having a right thereto in an official capacity, and as necessary to discharge responsibilities to administer public assistance, medical assistance, or social services programs, it shall be unlawful for any person or persons to divulge or make known in any manner any information concerning any applicant for or recipient of social services, child welfare services, cash assistance, food stamps, or medical assistance, directly or indirectly derived from the records, papers, files, investigations or communications of the State, county or city, or subdivisions or agencies thereof, or acquired in the course of the performance of official duties.

(b) Except as otherwise provided in Title 5, Subtitle 7 of the Family Law Article, § 6A of this subtitle, and this section, all records and reports concerning child abuse or neglect are confidential, and their unauthorized disclosure is a criminal offense subject to the penalty set out in subsection (e) of this section. Reports or records concerning child abuse or neglect:

(1) Shall be disclosed:

(i) Under a court order; or

(ii) Under an order of an administrative law judge, if the request for disclosure concerns a case pending before the Office of Administrative Hearings and provisions are made to comply with other State or federal confidentiality laws and to protect the identity of the

reporter or other person whose life or safety is likely to be endangered by disclosure; and

(2) May be disclosed on request:

(i) To personnel of local or State departments of social services, law enforcement personnel, and members of multidisciplinary case consultation teams, who are investigating a report of known or suspected child abuse or neglect or who are providing services to a child or family that is the subject of the report;

(ii) To local or State officials responsible for the administration of child protective services or child care, foster care, and adoption licensing, approval, or regulations as necessary to carry out their official functions;

(iii) To the State Council on Child Abuse and Neglect, the State Citizens Review Board for Children, or their designees, or a child fatality review team as necessary to carry out their official functions;

(IV) SUBJECT TO THE PROVISIONS OF SUBSECTION (C) OF THIS SECTION, TO THE ACCOUNTABILITY COUNCIL ESTABLISHED UNDER § 5-1309 OF THE FAMILY LAW ARTICLE AS NECESSARY TO CARRY OUT THE ACCOUNTABILITY COUNCIL'S OFFICIAL FUNCTIONS;

[(iv)] (V) To a person who is the alleged child abuser or the person who is suspected of child neglect if that person is responsible for the child's welfare and provisions are made for the protection of the identity of the reporter or any other person whose life or safety is likely to be endangered by disclosing the information;

[(v)] (VI) To a licensed practitioner who, or an agency, institution, or program which, is providing treatment or care to a child who is the subject of a report of child abuse or neglect for a purpose relevant to the provision of the treatment or care;

[(vi)] (VII) To a parent or other person who has permanent or temporary care and custody of a child, if provisions are made for the protection of the identity of the reporter or any other person whose life or safety is likely to be endangered by disclosing the information;

(Over)

[(vii)] (VIII) To the appropriate public school superintendent for the purpose of carrying out appropriate personnel or administrative actions following a report of suspected child abuse involving a student committed by:

1. A public school employee in that school system;
2. An independent contractor who supervises or works directly with students in that school system; or
3. An employee of an independent contractor, including a bus driver or bus assistant, who supervises or works directly with students in that school system;

[(viii)] (IX) To the director of a licensed child care facility or licensed child placement agency for the purpose of carrying out appropriate personnel actions following a report of suspected child neglect or abuse alleged to have been committed by an employee of the facility or agency and involving a child who is currently or who was previously under that facility's or agency's care; or

[(ix)] (X) To the Office of the Independent Juvenile Justice Monitor established under Article 49D of the Code.

(C) A RECORD OR REPORT CONCERNING CHILD ABUSE OR NEGLECT DISCLOSED TO A MEMBER OF THE ACCOUNTABILITY COUNCIL UNDER SUBSECTION (B)(2)(IV) OF THIS SECTION MAY NOT CONTAIN IDENTIFYING INFORMATION, AS DEFINED IN § 5-701 OF THE FAMILY LAW ARTICLE.

[(c)] (D) Nothing in this section shall be construed to prohibit:

(1) The publication, for administrative or research purposes, of statistics or other data so classified as to prevent the identification of particular persons or cases;

(2) The Department of Human Resources from obtaining an individual's financial records from a fiduciary institution in the course of verifying the individual's eligibility for public

assistance; or

(3) Disclosures as permitted by § 1-303 of the Financial Institutions Article.

[(d)] (E) The Department of Human Resources shall issue regulations governing access to and use of confidential information which is in the possession of the Department or local departments of social services.

[(e)] (F) Any offense against the provisions of this section shall be a misdemeanor and shall be punishable by a fine not exceeding \$500 or imprisonment for not exceeding 90 days, or both, in the discretion of the court.”.

AMENDMENT NO. 9

On page 14, strike in their entirety lines 1 through 6, inclusive; in lines 7, 17, and 21, strike “3.”, “4.”, and “5.”, respectively, and substitute “2.”, “3.”, and “4.”, respectively; and after line 26, insert:

“SECTION 5. AND BE IT FURTHER ENACTED, That the Department of Human Resources shall use the recommendations of the Task Force on Child Welfare Accountability to develop an outcome measurement system as described in § 5-1302 of the Family Law Article as enacted by Section 1 of this Act.”.