
By: **Delegates Nathan-Pulliam, Benson, Bobo, Boutin, Bromwell, Cane, Cryor, C. Davis, Donoghue, Dumais, Frush, Fulton, Gaines, Goldwater, Goodwin, Griffith, Haynes, Healey, Holmes, Howard, Hurson, James, Jones, Kach, Kaiser, Kelley, Kirk, Krysiak, Kullen, Lee, Mandel, Marriott, Menes, Oaks, Paige, Parker, Parrott, Patterson, Pendergrass, Stern, Taylor, F. Turner, V. Turner, and Vaughn**

Introduced and read first time: February 9, 2005

Assigned to: Health and Government Operations and Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Integration of Child Welfare and Substance Abuse Treatment Services**

3 FOR the purpose of authorizing certain records and reports regarding child abuse and
4 neglect to be disclosed to certain addiction specialists under certain
5 circumstances; requiring certain statewide protocols for integrating child
6 welfare and substance abuse treatment services to include placing certain
7 addiction specialists in all child welfare offices; ensuring that certain addiction
8 specialists in child welfare offices have certain information and evidence
9 relating to the existence of substance abuse; extending the years in which a
10 certain report by the Secretary of Human Resources and the Secretary of Health
11 and Mental Hygiene is required; requiring the Governor to include in the State
12 budget for a certain fiscal year a certain amount for the Department of Human
13 Resources to conduct a certain evaluation; requiring the Department of Human
14 Resources to ensure a certain evaluation is conducted and to report to the
15 General Assembly by a certain date; and generally relating to the integration of
16 substance abuse treatment and child welfare services.

17 BY repealing and reenacting, with amendments,
18 Article 88A - Department of Human Resources
19 Section 6
20 Annotated Code of Maryland
21 (2003 Replacement Volume and 2004 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article - Family Law
24 Section 5-1202 and 5-1206
25 Annotated Code of Maryland
26 (2004 Replacement Volume)

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

3 **Article 88A - Department of Human Resources**

4 6.

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

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

20 (1) Shall be disclosed:

21 (i) Under a court order; or

22 (ii) Under an order of an administrative law judge, if the request for
23 disclosure concerns a case pending before the Office of Administrative Hearings and
24 provisions are made to comply with other State or federal confidentiality laws and to
25 protect the identity of the reporter or other person whose life or safety is likely to be
26 endangered by disclosure; and

27 (2) May be disclosed on request:

28 (i) To personnel of local or State departments of social services, law
29 enforcement personnel, and members of multidisciplinary case consultation teams,
30 INCLUDING AN ADDICTION SPECIALIST AS DEFINED IN TITLE 5, SUBTITLE 12 OF THE
31 FAMILY LAW ARTICLE OR § 50A OF THIS ARTICLE who are investigating a report of
32 known or suspected child abuse or neglect or who are providing services to OR
33 ASSESSING a child or family that is the subject of the report;

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

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

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

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

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

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

16 1. A public school employee in that school system;

17 2. An independent contractor who supervises or works
18 directly with students in that school system; or

19 3. An employee of an independent contractor, including a bus
20 driver or bus assistant, who supervises or works directly with students in that school
21 system;

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

27 (ix) To the Office of the Independent Juvenile Justice Monitor
28 established under Article 49D of the Code.

29 (c) Nothing in this section shall be construed to prohibit:

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

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

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

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

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

7 **Article - Family Law**

8 5-1202.

9 (a) On or before December 1, 2000, the Secretary of Human Resources and the
10 Secretary of Health and Mental Hygiene shall, after consultation with a broad range
11 of child welfare professionals, substance abuse experts, judges, attorneys, managed
12 care organizations, health care providers, local departments, local health
13 departments, and child advocates, develop a statewide protocol for integrating child
14 welfare and substance abuse treatment services that includes at a minimum the
15 following:

16 (1) requiring cross-training for all child welfare and substance abuse
17 treatment personnel;

18 (2) developing an approved curriculum for the cross-training and
19 criteria for qualified trainers using best practices from other states;

20 (3) a plan for providing financial incentives for both child welfare
21 personnel and addictions personnel who achieve specified levels of expertise;

22 (4) placing qualified addictions specialists, INCLUDING AN ADDICTION
23 SPECIALIST UNDER § 50A OF ARTICLE 88A OF THE CODE, in all child welfare offices,
24 based on a caseload formula developed by the Department;

25 (5) in all cases accepted for child abuse and neglect investigation or
26 out-of-home placement, assuring that parents are screened for substance abuse and,
27 where there is any reasonable suspicion of substance abuse, assuring that qualified
28 addiction specialists have the:

29 (I) INFORMATION NEEDED REGARDING THE CIRCUMSTANCES OF
30 THE FAMILY AND ANY EVIDENCE THAT SUBSTANCE ABUSE EXISTS; AND

31 (II) opportunity to consult with the parents and children;

32 (6) specifying the circumstances under which a local department shall
33 include in its petition for a child in need of assistance under Title 3, Subtitle 8 of the
34 Courts Article a request that the court order comprehensive drug and alcohol
35 assessment and testing;

36 (7) establishing a procedure for notifying the local department of the
37 results of substance abuse assessment and testing;

1 (8) establishing a procedure for notifying an at-risk parent of the
2 availability of substance abuse treatment; and

3 (9) developing procedures for routine consultation and reevaluation of
4 progress in substance abuse treatment at every step as a child welfare case proceeds.

5 (b) No later than December 1, 2000, the Secretary of Human Resources and
6 the Secretary of Health and Mental Hygiene shall submit a report to the Governor
7 and, subject to § 2-1246 of the State Government Article, the Senate Budget and
8 Taxation Committee, the Senate Economic and Environmental Affairs Committee,
9 the House Appropriations Committee, and the House Environmental Matters
10 Committee that:

11 (1) sets forth the statewide protocol developed under this section; and

12 (2) identifies the amount and sources of funds that are being used to
13 implement the statewide protocol developed under this section and the other
14 requirements of this subtitle.

15 (c) The statewide protocol developed under this section shall be implemented
16 in each county of the State.

17 5-1206.

18 (a) On or before December 15, 2000, and annually thereafter until December
19 15, [2004] 2007, the Secretary of Human Resources and the Secretary of Health and
20 Mental Hygiene shall report to the Governor and, subject to § 2-1246 of the State
21 Government Article, the Senate Budget and Taxation Committee, the Senate
22 Education, Health, and Environmental Affairs Committee, the House Appropriations
23 Committee, and the House Health and Government Operations Committee, on their
24 progress in complying with the provisions of this subtitle.

25 (b) The report shall compare the availability of substance abuse treatment
26 slots for at-risk parents and their children relative to actual demand and estimated
27 need.

28 SECTION 2. AND BE IT FURTHER ENACTED, That:

29 (1) the Governor shall include in the State budget for fiscal year 2007 an
30 amount not less than \$95,000 for the Department of Human Resources to conduct an
31 independent, results-based evaluation of the integration of substance abuse
32 treatment and child welfare services in the State; and

33 (2) the Department of Human Resources shall ensure that the
34 evaluation is conducted and shall report to the General Assembly on or before
35 December 15, 2007, concurrent with the reporting required in § 5-1206 of the Family
36 Law Article, and in accordance with § 2-1246 of the State Government Article, on the
37 conclusions and results of the evaluation.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 June 1, 2005.