
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**

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Assigned to: Health and Government Operations and Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 24, 2005

CHAPTER _____

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 requiring the results of a certain evaluation to be included in
 16 a certain report by a certain date; and generally relating to the integration of
 17 substance abuse treatment and child welfare services.

18 BY repealing and reenacting, with amendments,
 19 Article 88A - Department of Human Resources
 20 Section 6
 21 Annotated Code of Maryland

1 (2003 Replacement Volume and 2004 Supplement)

2 BY repealing and reenacting, with amendments,

3 Article - Family Law

4 Section 5-1202 and 5-1206

5 Annotated Code of Maryland

6 (2004 Replacement Volume)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

8 MARYLAND, That the Laws of Maryland read as follows:

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

10 6.

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

21 (b) Except as otherwise provided in Title 5, [Subtitle] ~~SUBTITLES 5 AND 7~~ 7
22 AND 12 of the Family Law Article, AND § 6A of this subtitle, and this section, all
23 records and reports concerning child abuse or neglect are confidential, and their
24 unauthorized disclosure is a criminal offense subject to the penalty set out in
25 subsection (e) of this section. Reports or records concerning child abuse or neglect:

26 (1) Shall be disclosed:

27 (i) Under a court order; or

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

33 (2) May be disclosed on request:

34 (i) To personnel of local or State departments of social services, law
35 enforcement personnel, and members of multidisciplinary case consultation teams,
36 INCLUDING AN ADDICTION SPECIALIST AS DEFINED IN TITLE 5, SUBTITLE 12 OF THE
37 FAMILY LAW ARTICLE OR § 50A OF THIS ARTICLE, who are investigating a report of

1 known or suspected child abuse or neglect or who are providing services to OR

2 ASSESSING a child or family that is the subject of the report;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 **Article - Family Law**

16 5-1202.

17 (a) On or before December 1, 2000, the Secretary of Human Resources and the
18 Secretary of Health and Mental Hygiene shall, after consultation with a broad range
19 of child welfare professionals, substance abuse experts, judges, attorneys, managed
20 care organizations, health care providers, local departments, local health
21 departments, and child advocates, develop a statewide protocol for integrating child
22 welfare and substance abuse treatment services that includes at a minimum the
23 following:

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

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

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

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

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

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

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

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

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

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

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

14 (b) No later than December 1, 2000, the Secretary of Human Resources and
15 the Secretary of Health and Mental Hygiene shall submit a report to the Governor
16 and, subject to § 2-1246 of the State Government Article, the Senate Budget and
17 Taxation Committee, the Senate Economic and Environmental Affairs Committee,
18 the House Appropriations Committee, and the House Environmental Matters
19 Committee that:

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

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

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

26 5-1206.

27 (a) On or before December 15, 2000, and annually thereafter until December
28 15, [2004] 2007, the Secretary of Human Resources and the Secretary of Health and
29 Mental Hygiene shall report to the Governor and, subject to § 2-1246 of the State
30 Government Article, the Senate Budget and Taxation Committee, the Senate
31 Education, Health, and Environmental Affairs Committee, the House Appropriations
32 Committee, and the House Health and Government Operations Committee, on their
33 progress in complying with the provisions of this subtitle.

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

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

1 (1) the Governor shall include in the State budget for fiscal year 2007 an
2 ~~amount not less than \$95,000 for the Department of Human Resources to conduct an~~
3 independent, results-based evaluation of the integration of substance abuse
4 treatment and child welfare services in the ~~State; and~~ State. The results of the
5 evaluation shall be included in the final annual report by the Secretary of Human
6 Resources and the Secretary of Health and Mental Hygiene required to be submitted
7 on or before December 15, 2007, under § 5-1206 of the Family Law Article, as enacted
8 by Section 1 of this Act.

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

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