
By: **Delegate Marriott (By Request - Baltimore City Administration)**

Introduced and read first time: February 10, 2005

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2005

CHAPTER _____

1 AN ACT concerning

2 **Children - Records - Access by ~~Local Health Departments~~ the Baltimore City**
3 **Health Department**

4 FOR the purpose of requiring the Department of Juvenile Services to disclose to a
5 ~~local health department~~ the Baltimore City Health Department certain records
6 concerning certain children under certain circumstances; requiring the
7 Baltimore City Health Department to submit certain reports under certain
8 circumstances; requiring that certain records and reports concerning child
9 abuse and neglect be disclosed to ~~a local health department~~ the Baltimore City
10 Health Department under certain circumstances; authorizing access to certain
11 court records and police records by ~~a local health department~~ the Baltimore City
12 Health Department under certain circumstances; requiring the Department of
13 State Police to provide to ~~a local health department~~ the Baltimore City Health
14 Department certain information concerning certain child victims under certain
15 circumstances; requiring ~~a local health department~~ the Baltimore City Health
16 Department to keep certain information confidential; authorizing ~~a local health~~
17 ~~department~~ the Baltimore City Health Department to use certain information
18 solely for a certain purpose; providing for the termination of this Act; and
19 generally relating to records concerning children and access by ~~local health~~
20 ~~departments~~ the Baltimore City Health Department.

21 BY repealing and reenacting, with amendments,
22 Article 83C - Juvenile Services
23 Section 2-115
24 Annotated Code of Maryland
25 (2003 Replacement Volume and 2004 Supplement)

26 BY repealing and reenacting, with amendments,

1 Article 88A - Department of Human Resources
 2 Section 6
 3 Annotated Code of Maryland
 4 (2003 Replacement Volume and 2004 Supplement)

5 BY repealing and reenacting, with amendments,
 6 Article - Courts and Judicial Proceedings
 7 Section 3-827 and 3-8A-27
 8 Annotated Code of Maryland
 9 (2002 Replacement Volume and 2004 Supplement)

10 ~~BY repealing and reenacting, with amendments,~~
 11 ~~Article - Courts and Judicial Proceedings~~
 12 ~~Section 3-8A-27~~
 13 ~~Annotated Code of Maryland~~
 14 ~~(2002 Replacement Volume and 2004 Supplement)~~

15 BY repealing and reenacting, without amendments,
 16 Article - Public Safety
 17 Section 2-307
 18 Annotated Code of Maryland
 19 (2003 Volume and 2004 Supplement)

20 BY repealing and reenacting, with amendments,
 21 Article - Public Safety
 22 Section 2-308
 23 Annotated Code of Maryland
 24 (2003 Volume and 2004 Supplement)

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

27 **Article 83C - Juvenile Services**

28 2-115.

29 (a) In this section, "confidential record" means any record, report, statement,
 30 note, or other information that:

31 (1) Is assembled or obtained for research or study by the Department or
 32 the Secretary; and

33 (2) Names or otherwise identifies any person.

34 (b) The Department shall have a unit for research and development. The unit
 35 shall:

1 (1) Compile accurate statistics and reliable information on all aspects of
2 the juvenile program of this State;

3 (2) Monitor current developments in the field of juvenile justice;

4 (3) Assess existing programs and activities;

5 (4) Help develop new or improved means to prevent juvenile offenses and
6 control and treat juvenile offenders;

7 (5) If necessary, initiate studies to help the Secretary in general planning
8 and program development for the Department; and

9 (6) For these and related purposes, use research and information
10 available from all sources.

11 (c) Each confidential record that was assembled by the Juvenile Services
12 Agency shall be transferred to the custody of the Department.

13 (d) Each confidential record shall remain in the custody and control of the
14 Department if:

15 (1) The Department assembled or obtained the confidential record; or

16 (2) The confidential record was transferred to the Department from the
17 Juvenile Services Agency.

18 (e) The confidential record may be used only for the research and study for
19 which it was assembled or obtained.

20 (f) A person may not disclose any confidential record to any person who is not
21 engaged in the research or study project.

22 (g) This section does not apply to or restrict the use or publication of any
23 statistics, information, or other material that summarizes or refers to confidential
24 records in the aggregate, without disclosing the identity of any person who is the
25 subject of the confidential record.

26 (H) (1) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, THE
27 DEPARTMENT SHALL DISCLOSE TO ~~A LOCAL~~ THE BALTIMORE CITY HEALTH
28 DEPARTMENT, ON A WRITTEN REQUEST:

29 ~~(+)~~ (I) A CONFIDENTIAL RECORD CONCERNING A CHILD TO WHOM
30 ~~THE LOCAL BALTIMORE CITY HEALTH~~ DEPARTMENT IS PROVIDING TREATMENT OR
31 CARE, FOR A PURPOSE RELEVANT TO THE PROVISION OF THE TREATMENT OR CARE;
32 AND

33 ~~(=)~~ (II) A CONFIDENTIAL RECORD CONCERNING A ~~CHILD~~ VICTIM OF A
34 CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE, WHO
35 IS A CHILD RESIDING IN BALTIMORE CITY FOR THE PURPOSE OF DEVELOPING

1 APPROPRIATE PROGRAMS AND POLICIES AIMED AT REDUCING VIOLENCE AGAINST
2 CHILDREN IN BALTIMORE CITY.

3 (2) THE BALTIMORE CITY HEALTH DEPARTMENT SHALL KEEP
4 CONFIDENTIAL ANY INFORMATION PROVIDED UNDER PARAGRAPH (1) OF THIS
5 SUBSECTION.

6 (3) WITHIN 180 DAYS AFTER THE BALTIMORE CITY HEALTH
7 DEPARTMENT RECEIVES A CONFIDENTIAL RECORD UNDER PARAGRAPH (1) OF THIS
8 SUBSECTION, THE BALTIMORE CITY HEALTH DEPARTMENT SHALL SUBMIT A REPORT
9 TO THE DEPARTMENT DETAILING THE PURPOSES FOR WHICH THE CONFIDENTIAL
10 RECORD WAS USED.

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

12 6.

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

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

28 (1) Shall be disclosed:

29 (i) Under a court order; [or]

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

35 (III) ON A WRITTEN REQUEST, TO A LOCAL THE BALTIMORE CITY
36 HEALTH DEPARTMENT:

37 1. IF THE LOCAL BALTIMORE CITY HEALTH DEPARTMENT IS
38 PROVIDING TREATMENT OR CARE TO A CHILD WHO IS THE SUBJECT OF A REPORT OF

1 CHILD ABUSE OR NEGLECT, FOR A PURPOSE RELEVANT TO THE PROVISION OF THE
2 TREATMENT OR CARE; OR

3 2. IF THE RECORD OR REPORT CONCERNS A ~~CHILD~~ VICTIM
4 OF A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE,
5 WHO IS A CHILD RESIDING IN BALTIMORE CITY FOR THE PURPOSE OF DEVELOPING
6 APPROPRIATE PROGRAMS AND POLICIES AIMED AT REDUCING VIOLENCE AGAINST
7 CHILDREN IN BALTIMORE CITY; AND

8 (2) May be disclosed on request:

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

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

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

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

23 (v) [To] SUBJECT TO THE PROVISIONS OF PARAGRAPH (1)(III) OF
24 THIS SUBSECTION, TO a licensed practitioner who, or an agency, institution, or
25 program which, is providing treatment or care to a child who is the subject of a report
26 of child abuse or neglect for a purpose relevant to the provision of the treatment or
27 care;

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

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

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

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

- 1 (i) Personnel of the court;
- 2 (ii) A party;
- 3 (iii) Counsel for a party;
- 4 (iv) A Court-Appointed Special Advocate for the child; [or]
- 5 (v) Authorized personnel of the Social Services Administration and
6 local departments in order to conduct a child abuse or neglect investigation or to
7 comply with requirements imposed under Title IV-E of the Social Security Act; OR

8 (VI) ~~A LOCAL~~ THE BALTIMORE CITY HEALTH DEPARTMENT:

9 1. IF THE ~~LOCAL~~ BALTIMORE CITY HEALTH DEPARTMENT IS
10 PROVIDING TREATMENT OR CARE TO A CHILD WHO IS THE SUBJECT OF THE RECORD,
11 FOR A PURPOSE RELEVANT TO THE PROVISION OF THE TREATMENT OR CARE; OR

12 2. IF THE RECORD CONCERNS A ~~CHILD~~ CHILD VICTIM OF A CRIME
13 OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE, WHO IS A
14 CHILD RESIDING IN BALTIMORE CITY FOR THE PURPOSE OF DEVELOPING
15 APPROPRIATE PROGRAMS AND POLICIES AIMED AT REDUCING VIOLENCE AGAINST
16 CHILDREN IN BALTIMORE CITY.

17 (3) Information obtained from a court record is subject to the provisions
18 of Article 88A, § 6 of the Code.

19 (4) WITHIN 180 DAYS AFTER THE BALTIMORE CITY HEALTH
20 DEPARTMENT REVIEWS A COURT RECORD UNDER THIS SUBSECTION, THE
21 BALTIMORE CITY HEALTH DEPARTMENT SHALL SUBMIT A REPORT TO THE COURT
22 DETAILING THE PURPOSES FOR WHICH THE RECORD WAS USED.

23 (b) (1) On its own motion or on petition, and for good cause shown, the court:

24 (i) May order the court records of a child sealed; and

25 (ii) Shall order them sealed after the child has reached the age of
26 21.

27 (2) If sealed, the court records of a child may not be opened, for any
28 purpose, except by order of the court on good cause shown.

29 3-8A-27.

30 (a) (1) A police record concerning a child is confidential and shall be
31 maintained separate from those of adults. Its contents may not be divulged, by
32 subpoena or otherwise, except by order of the court upon good cause shown or as
33 otherwise provided in § 7-303 of the Education Article.

34 (2) This subsection does not prohibit:

1 (i) Access to and confidential use of the record by the Department
2 of Juvenile Services or in the investigation and prosecution of the child by any law
3 enforcement agency; [or]

4 (II) ACCESS TO AND CONFIDENTIAL USE OF THE RECORD BY A
5 ~~LOCAL~~ THE BALTIMORE CITY HEALTH DEPARTMENT:

6 1. IF THE ~~LOCAL~~ BALTIMORE CITY HEALTH DEPARTMENT IS
7 PROVIDING TREATMENT OR CARE TO A CHILD WHO IS THE SUBJECT OF THE RECORD,
8 FOR A PURPOSE RELEVANT TO THE PROVISION OF THE TREATMENT OR CARE; OR

9 2. IF THE RECORD CONCERNS A ~~CHILD~~ VICTIM OF A CRIME
10 OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE, WHO IS A
11 CHILD RESIDING IN BALTIMORE CITY FOR THE PURPOSE OF DEVELOPING
12 APPROPRIATE PROGRAMS AND POLICIES AIMED AT REDUCING VIOLENCE AGAINST
13 CHILDREN IN BALTIMORE CITY; OR

14 [(ii)] (III) A law enforcement agency of the State or of a political
15 subdivision of the State, the Department of Juvenile Services, or the criminal justice
16 information system from including in the law enforcement computer information
17 system information about an outstanding juvenile court ordered writ of attachment,
18 for the sole purpose of apprehending a child named in the writ.

19 (3) WITHIN 180 DAYS AFTER THE BALTIMORE CITY HEALTH
20 DEPARTMENT ACCESSES A POLICE RECORD UNDER THIS SUBSECTION, THE
21 BALTIMORE CITY HEALTH DEPARTMENT SHALL SUBMIT A REPORT TO THE LAW
22 ENFORCEMENT AGENCY FROM WHICH THE RECORD WAS RECEIVED DETAILING THE
23 PURPOSES FOR WHICH THE RECORD WAS USED.

24 (b) (1) A court record pertaining to a child is confidential and its contents
25 may not be divulged, by subpoena or otherwise, except by order of the court upon good
26 cause shown or as provided in § 7-303 of the Education Article.

27 (2) This subsection does not prohibit access to and the use of the court
28 record or fingerprints of a child described under Title 10, Subtitle 2 of the Criminal
29 Procedure Article in a proceeding in the court involving the child, by personnel of the
30 court, the State's Attorney, counsel for the child, a court-appointed special advocate
31 for the child, or authorized personnel of the Department of Juvenile Services.

32 (3) (i) Except as provided in subparagraph (ii) of this paragraph, this
33 subsection does not prohibit access to and confidential use of the court record or
34 fingerprints of a child described under Title 10, Subtitle 2 of the Criminal Procedure
35 Article by the Department of Juvenile Services or in an investigation and prosecution
36 by a law enforcement agency.

37 (ii) The court record or fingerprints of a child described under §§
38 10-215(a)(21) and (22), 10-216, and 10-220 of the Criminal Procedure Article may
39 not be disclosed to:

40 1. A federal criminal justice agency or information center; or

1 Commission is carrying out any of its statutory duties, if the record concerns a charge
2 or adjudication of delinquency.

3 (e) This section does not prohibit access to and use of any juvenile record by
4 the Maryland Division of Correction when the Division is carrying out any of its
5 statutory duties if: (1) the individual to whom the record pertains is committed to the
6 custody of the Division; and (2) the record concerns an adjudication of delinquency.

7 (f) Subject to the provisions of Article 83C, § 2-115 of the Code, this section
8 does not prohibit access to or use of any juvenile record for criminal justice research
9 purposes. A record used under this subsection may not contain the name of the
10 individual to whom the record pertains, or any other identifying information which
11 could reveal the individual's name.

12 (g) This section does not prohibit a victim or victim's representative who has
13 filed a notification request form from being notified of proceedings and events
14 involving the defendant or child as provided in this subtitle, the Criminal Procedure
15 Article, or the Criminal Law Article.

16 **Article - Public Safety**

17 2-307.

18 (a) The Department shall collect, analyze, and disseminate information about
19 the incidence of crime in the State.

20 (b) (1) The Department shall collect and analyze information about
21 incidents apparently directed against an individual or group because of race, religion,
22 ethnicity, or sexual orientation.

23 (2) Each local law enforcement agency and the State Fire Marshal shall
24 provide the Department with the information described in paragraph (1) of this
25 subsection.

26 (3) The Department shall adopt procedures for the collection and
27 analysis of the information described in paragraph (1) of this subsection.

28 (4) The Department shall make monthly reports to the Commission on
29 Human Relations about the information described in paragraph (1) of this subsection.

30 2-308.

31 (a) (1) Any information, records, or statistics collected under this subtitle
32 shall be available for use by any agency or unit required to provide information to the
33 Department.

34 (2) By rule, the Secretary may establish conditions for the use or
35 availability of the information described in paragraph (1) of this subsection as
36 necessary:

- 1 (i) to preserve the information;
- 2 (ii) to protect any confidential information; or
- 3 (iii) because of a pending prosecution.

4 (b) (1) The Department:

5 (i) shall periodically publish statistics on the incidence of crime in
6 the State; and

7 (ii) at least monthly shall publish statistics about the occurrence
8 and cause of all motor vehicle accidents in the State.

9 (2) A statistical report on the incidence of crime published under this
10 subsection may not name or otherwise identify a particular known or suspected
11 offender.

12 (3) The Department shall distribute the reports required by this
13 subsection to:

14 (i) each agency or unit that contributed information contained in
15 the reports;

16 (ii) the press; and

17 (iii) any other interested person.

18 (4) By rule, the Secretary may establish conditions under which reports
19 of specific motor vehicle accidents may be made available on request to the public.

20 (c) (1) The fee for conducting a document search is \$4.

21 (2) The Department shall apply the money received from conducting
22 document searches to the cost of providing this service.

23 (D) (1) THE DEPARTMENT SHALL PROVIDE TO A LOCAL THE BALTIMORE
24 CITY HEALTH DEPARTMENT, ON A WRITTEN REQUEST, INFORMATION CONCERNING
25 A CHILD VICTIM OF A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL
26 LAW ARTICLE, WHO IS A CHILD RESIDING IN BALTIMORE CITY.

27 (2) THE LOCAL BALTIMORE CITY HEALTH DEPARTMENT:

28 (I) SHALL KEEP CONFIDENTIAL ANY INFORMATION PROVIDED
29 UNDER PARAGRAPH (1) OF THIS SUBSECTION; AND

30 (II) MAY USE THE INFORMATION SOLELY TO DEVELOP
31 APPROPRIATE PROGRAMS AND POLICIES AIMED AT REDUCING VIOLENCE AGAINST
32 CHILDREN IN BALTIMORE CITY.

1 (3) WITHIN 180 DAYS AFTER THE BALTIMORE CITY HEALTH
2 DEPARTMENT RECEIVES INFORMATION UNDER THIS SUBSECTION, THE BALTIMORE
3 CITY HEALTH DEPARTMENT SHALL SUBMIT A REPORT TO THE DEPARTMENT
4 DETAILING THE PURPOSES FOR WHICH THE RECORD WAS USED.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
6 effect October 1, 2005. It shall remain effective for a period of 3 years and, at the end
7 of September 30, 2008, with no further action required by the General Assembly, this
8 Act shall be abrogated and of no further force and effect.