

**Department of Legislative Services**  
Maryland General Assembly  
2005 Session

**FISCAL AND POLICY NOTE**  
**Revised**

House Bill 900 (Delegate Marriott) (By Request – Baltimore City Administration)  
Judiciary Finance and Judicial Proceedings

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**Children - Records - Access by the Baltimore City Health Department**

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This bill provides for the disclosure of a child's confidential record to the Baltimore City Health Department by the Judiciary and the Department of Juvenile Services (DJS), the Department of Human Resources (DHR), the Department of State Police, and the Department of Public Safety and Correctional Services (DPSCS).

The bill terminates September 30, 2008.

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**Fiscal Summary**

**State Effect:** The bill's provisions could be met with existing resources.

**Local Effect:** The bill's provisions could be met with existing resources.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** DJS and DHR must disclose confidential records regarding children under their jurisdiction upon the written request of the Baltimore City Health Department. The disclosure must concern a child under treatment or care by the Baltimore City Health Department, and the disclosure must be for a related purpose. If the requested disclosure concerns a victim of violence who is a child residing in Baltimore City, the purpose of the disclosure must be the development of appropriate programs and policies intended to reduce violence against children in Baltimore City. The bill requires the Baltimore City Health Department to keep confidential any

information received under the bill. Within 180 days of receiving confidential information, the city health department is also required to submit a report to the court or agency that provided confidential information that details the purposes for which the information was used.

The bill provides that the Baltimore City Health Department may review a confidential record of a Child in Need of Assistance (CINA), the police record, court record, or fingerprint record of a child if the department is providing treatment or care to a child and the disclosure is related to that purpose. If the court record concerns a victim of a violent crime who is a child residing in Baltimore City, then the disclosure must be for the purpose of developing appropriate programs and policies to reduce violence against children in Baltimore City.

DPSCS is required to provide to the Baltimore City Health Department, upon written request, information concerning a victim of a violent crime who is a child residing in Baltimore City. The city health department must keep any information provided by DPSCS confidential and may only use the information to develop programs and policies to reduce violence against children in Baltimore City.

The Baltimore City Health Department is liable for the unauthorized release of any information provided under the bill's provisions.

**Current Law:** In DJS, a confidential record may be used only for the research or study for which it was obtained. A person is prohibited from disclosing any confidential record to any person who is not engaged in the research or study project. The prohibition does not apply to statistics or other information that does not disclose the identity of any person who is the subject of the confidential record.

Regarding records held by DHR, it is unlawful for any person to disclose any information regarding an applicant for or recipient of social services programs. All records and reports about child abuse and neglect are confidential and their disclosure is a criminal offense. Reports or records about child abuse or neglect must be disclosed, however, pursuant to a court order, or under the order of an administrative law judge. Records about child abuse and neglect may be disclosed on request to the personnel or persons of interest specified in statute. A person who violates the confidentiality provisions affecting child abuse or neglect records is guilty of a misdemeanor and is subject to up to 90 days imprisonment and/or a fine of up to \$500.

Court records pertaining to a child are confidential and may not be divulged except by court order on good cause shown. These court records may be reviewed, however, by court personnel, a party or the party's counsel, a Court Appointed Special Advocate or

other authorized personnel. Police and fingerprint records concerning children are confidential and generally may only be disclosed by court order, for good cause. Specified agencies and personnel may attain access to and use of these records as specified in statute.

The Secretary of Public Safety and Correctional Services is authorized to establish conditions regarding the use and availability of records and statistics kept by the department to preserve the information, protect confidential information, or to preserve a prosecution.

**State Fiscal Effect:** DJS advises that if it receives a great number of requests for children's records, then someone would have to be hired to address the increased need. The Department of Legislative Services advises that it is expected that the agencies affected by this bill would be able to meet the bill's requirements within existing resources.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 764 (Senator McFadden) (By Request – Baltimore City Administration) – Finance and Judicial Proceedings.

**Information Source(s):** Department of Juvenile Services, Department of Health and Mental Hygiene, Department of State Police, Department of Legislative Services

**Fiscal Note History:** First Reader - March 1, 2005  
mll/jr Revised - House Third Reader - March 29, 2005  
Revised - Enrolled Bill - April 20, 2005

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