

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

Senate Bill 764 (Senator McFadden) (By Request – Baltimore City Administration)
Finance and Judicial Proceedings

Children - Records - Access by Local Health Departments

This bill provides for the disclosure of a child's confidential record to a local 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).

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.

Analysis

Bill Summary: DJS and DHR must disclose confidential records regarding children under their jurisdiction upon the request of a local health department. The disclosure must concern a child under treatment or care by the local health department, and the disclosure must be for a related purpose. If the requested disclosure concerns a child victim of violence, the purpose of the disclosure must be the development of appropriate programs and policies intended to reduce violence against children.

The bill provides that a local 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 local health department is providing treatment or care to a child and the

disclosure is related to that purpose. If the court record concerns a child victim of a violent crime, then the disclosure must be for the purpose of developing appropriate programs and policies to reduce violence against children.

DPSCS is required to provide to a local health department, upon request, information concerning a child victim of a violent crime. The local 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.

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.

Additional Information

Prior Introductions: None.

Cross File: HB 900 (Delegate Marriott) (By Request – Baltimore City Administration) – Judiciary.

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

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ncs/jr

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