
By: **Delegate Rosenberg**

Introduced and read first time: February 10, 2006

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Release of Department of Social Services Records - Child Homicide or First**
3 **Degree Child Abuse**

4 FOR the purpose of altering the circumstances under which the director of a local
5 department of social services or the Secretary of Human Resources may disclose
6 information concerning child abuse or neglect; requiring the Secretary of
7 Human Resources to disclose certain records concerning child abuse or neglect;
8 requiring certain information to be redacted from certain records concerning
9 child abuse or neglect; and generally relating to confidentiality of records and
10 reports concerning child abuse or neglect.

11 BY repealing and reenacting, with amendments,
12 Article 88A - Department of Human Resources
13 Section 6A
14 Annotated Code of Maryland
15 (2003 Replacement Volume and 2005 Supplement)

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

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

19 6A.

20 (a) (1) In this section the following words have the meanings indicated.

21 (2) "Director" means the director of a local department of social services.

22 (3) "Local department" means the department of social services that has
23 jurisdiction in the county:

24 (i) Where the allegedly abused or neglected child lives; or

25 (ii) If different, where the abuse or neglect is alleged to have taken
26 place.

1 (4) "Medical report" means a psychological, psychiatric, therapeutic,
2 clinical, or medical report or evaluation related to the allegedly abused or neglected
3 child, the child's siblings, or other children in the household, family, or care of the
4 alleged abuser or neglector.

5 (5) "Secretary" means the Secretary of Human Resources.

6 (b) (1) Notwithstanding any other provision of law, the director or the
7 Secretary may disclose information concerning child abuse or neglect in accordance
8 with subsection (c) of this section if:

9 (i) The director or the Secretary determines that the disclosure is
10 not contrary to the best interests of the child, the child's siblings, or other children in
11 the household, family, or care of the alleged abuser or neglector;

12 (ii) The alleged abuser or neglector has been charged with a crime
13 related to a report of child abuse or neglect; and

14 (iii) The child named in a report of abuse or neglect has died or
15 suffered a serious physical injury as defined in § 3-201 of the Criminal Law Article
16 OR HAS SUFFERED A SEVERE PHYSICAL INJURY AS DEFINED IN § 3-601 OF THE
17 CRIMINAL LAW ARTICLE.

18 (2) In determining whether disclosure is contrary to the best interests of
19 the child, the child's siblings, or other children in the household, family, or care of the
20 alleged abuser or neglector under paragraph (1)(i) of this subsection, the director or
21 the Secretary shall consider the effects that disclosure may have on the provision of
22 services to the child, the child's household or family members, or any children in the
23 care of the alleged abuser or neglector.

24 (c) (1) Prior to disclosing the information, the director or the Secretary shall
25 consult with the primary law enforcement agency and the State's Attorney's office
26 concerning whether disclosure of the information would jeopardize or prejudice any
27 related investigation or prosecution.

28 (2) Prior to disclosing the information:

29 (i) The director shall consult with the Secretary if the director
30 discloses; and

31 (ii) The Secretary shall consult with the director if the Secretary
32 discloses.

33 (d) [The] SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE director or the
34 Secretary may disclose:

35 (1) The name of the allegedly abused or neglected child;

36 (2) The date of the report of the alleged child abuse or neglect and any
37 prior or subsequent reports;

1 (3) The findings made by the local department at the conclusion of its
2 investigation and the disposition made by the local department based on its findings;

3 (4) Any services provided to the alleged abuser or neglecter, the allegedly
4 abused or neglected child, and the household or family members;

5 (5) The number of referrals for professional services for the alleged
6 abuser or neglecter, the allegedly abused or neglected child, and the household or
7 family members;

8 (6) The prior adjudication as a child in need of assistance of the allegedly
9 abused or neglected child, the child's siblings, or other children in the household,
10 family, or care of the alleged abuser or neglecter; and

11 (7) Any information concerning the circumstances of the alleged child
12 abuse or neglect and the investigation of the circumstances if the director or the
13 Secretary determines that the disclosure is consistent with the public interest.

14 (e) (1) [The] SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE director
15 or the Secretary may not:

16 (i) Disclose the identity of or provide an identifying description of
17 the person who made the report;

18 (ii) Identify the name of the abused or neglected child's siblings,
19 parent, individual legally responsible for the child, or other household or family
20 members, other than the alleged abuser or neglecter;

21 (iii) Disclose a medical report, except as related to the cause of the
22 child's injury or death as a result of the abuse or neglect; or

23 (iv) Except for the information in subsection (d) of this section,
24 [disclose] AND EXCEPT AS PROVIDED IN SUBSECTION (H) OF THIS SECTION, the file
25 relating to the allegedly abused or neglected child.

26 (2) Notwithstanding Title 4, Subtitle 3 of the Health - General Article,
27 the director or the Secretary may disclose a medical report related to the cause of the
28 child's injury or death as a result of the abuse or neglect.

29 (f) The Secretary, in consultation with the local directors of social services,
30 shall develop a form to disclose the information described in subsection (d) of this
31 section.

32 (g) This section may not be construed as granting a right to any person to
33 receive the information described in subsection (d) of this section.

34 (H) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW EXCEPT
35 SUBSECTION (C)(1) OF THIS SECTION, THE SECRETARY OR THE LOCAL DIRECTOR OF
36 SOCIAL SERVICES, ON REQUEST, SHALL DISCLOSE ALL RECORDS CONCERNING A
37 CHILD WHO HAS DIED OR SUFFERED A SEVERE PHYSICAL INJURY AS DEFINED IN §

1 3-601 OF THE CRIMINAL LAW ARTICLE WITHOUT LIMITATION ON FURTHER
2 DISSEMINATION TO:

3 (I) THE ATTORNEY WHO REPRESENTED THE CHILD IN A CHILD IN
4 NEED OF ASSISTANCE OR GUARDIANSHIP PROCEEDING;

5 (II) THE STATE'S ATTORNEY'S OFFICE; OR

6 (III) THE LOCAL HEALTH OFFICER.

7 (2) THE FOLLOWING INFORMATION SHALL BE REDACTED FROM ANY
8 FILES OR REPORTS PRIOR TO DISCLOSURE BY THE SECRETARY OR THE LOCAL
9 DIRECTOR OF SOCIAL SERVICES UNDER THIS SUBSECTION:

10 (I) THE IDENTITY OF THE REPORTER;

11 (II) NAMES OF THE SIBLINGS OF THE CHILD OR ANY OTHER
12 PERSON WHOSE LIFE OR SAFETY IS LIKELY TO BE ENDANGERED BY DISCLOSING THE
13 INFORMATION; OR

14 (III) THE NAMES OF THE SOCIAL SERVICES CASE WORKERS WHO
15 PREPARED RECORDS OR PROVIDED SERVICES.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 July 1, 2006.