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By: **Delegate Rosenberg**

Introduced and read first time: February 10, 2006

Assigned to: Appropriations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2006

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

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; repealing a provision authorizing  
 7 the director or the Secretary to disclose specific information concerning child  
 8 abuse or neglect under certain circumstances; repealing a provision prohibiting  
 9 the director or the Secretary from disclosing the file relating to an allegedly  
 10 abused or neglected child; repealing a provision requiring the Secretary, in  
 11 consultation with the local directors of social services, to develop a certain form;  
 12 requiring the Secretary of Human Resources or the director to disclose certain  
 13 records concerning child abuse or neglect; requiring certain information to be  
 14 redacted from certain records concerning child abuse or neglect; authorizing  
 15 certain individuals to file with the circuit court a motion for a protective order to  
 16 limit further dissemination of certain information; and generally relating to  
 17 confidentiality disclosure of records and reports information concerning child  
 18 abuse or neglect.

19 BY repealing and reenacting, with amendments,  
 20 Article 88A - Department of Human Resources  
 21 Section 6A  
 22 Annotated Code of Maryland  
 23 (2003 Replacement Volume and 2005 Supplement)

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

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

2 6A.

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

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

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

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

8 (ii) If different, where the abuse or neglect is alleged to have taken  
9 place.10 (4) "Medical report" means a psychological, psychiatric, therapeutic,  
11 clinical, or medical report or evaluation related to the allegedly abused or neglected  
12 child, the child's siblings, or other children in the household, family, or care of the  
13 alleged abuser or neglecter.

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

15 (b) (1) Notwithstanding any other provision of law, the director or the  
16 Secretary may disclose information concerning child abuse or neglect in accordance  
17 with subsection (c) of this section if:18 (i) The director or the Secretary determines that the disclosure is  
19 not contrary to the best interests of the child, the child's siblings, or other children in  
20 the household, family, or care of the alleged abuser or neglecter;21 (ii) The alleged abuser or neglecter has been charged with a crime  
22 related to a report of child abuse or neglect; and23 (iii) The child named in a report of abuse or neglect has died or  
24 ~~suffered a serious physical injury as defined in § 3-201 of the Criminal Law Article~~  
25 ~~OR HAS SUFFERED~~ A SEVERE PHYSICAL INJURY AS DEFINED IN § 3-601 OF THE  
26 CRIMINAL LAW ARTICLE.27 (2) In determining whether disclosure is contrary to the best interests of  
28 the child, the child's siblings, or other children in the household, family, or care of the  
29 alleged abuser or neglecter under paragraph (1)(i) of this subsection, the director or  
30 the Secretary shall consider the effects that disclosure may have on the provision of  
31 services to the child, the child's household or family members, or any children in the  
32 care of the alleged abuser or neglecter.33 (c) (1) Prior to disclosing the information, the director or the Secretary shall  
34 consult with the primary law enforcement agency and the State's Attorney's office  
35 concerning whether disclosure of the information would jeopardize or prejudice any  
36 related investigation or prosecution.

- 1 (2) Prior to disclosing the information:
- 2 (i) The director shall consult with the Secretary if the director  
3 discloses; and
- 4 (ii) The Secretary shall consult with the director if the Secretary  
5 discloses.
- 6 (d) ~~{The} SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE director or the~~  
7 ~~Secretary may disclose:~~
- 8 (1) ~~The name of the allegedly abused or neglected child;~~
- 9 (2) ~~The date of the report of the alleged child abuse or neglect and any~~  
10 ~~prior or subsequent reports;~~
- 11 (3) ~~The findings made by the local department at the conclusion of its~~  
12 ~~investigation and the disposition made by the local department based on its findings;~~
- 13 (4) ~~Any services provided to the alleged abuser or neglecter, the allegedly~~  
14 ~~abused or neglected child, and the household or family members;~~
- 15 (5) ~~The number of referrals for professional services for the alleged~~  
16 ~~abuser or neglecter, the allegedly abused or neglected child, and the household or~~  
17 ~~family members;~~
- 18 (6) ~~The prior adjudication as a child in need of assistance of the allegedly~~  
19 ~~abused or neglected child, the child's siblings, or other children in the household,~~  
20 ~~family, or care of the alleged abuser or neglecter; and~~
- 21 (7) ~~Any information concerning the circumstances of the alleged child~~  
22 ~~abuse or neglect and the investigation of the circumstances if the director or the~~  
23 ~~Secretary determines that the disclosure is consistent with the public interest.~~
- 24 (e) (1) ~~{The} SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE director~~  
25 ~~or the Secretary may not:~~
- 26 (i) Disclose the identity of or provide an identifying description of  
27 the person who made the report;
- 28 (ii) Identify the name of the abused or neglected child's siblings,  
29 parent, individual legally responsible for the child, or other household or family  
30 members, other than the alleged abuser or neglecter; OR
- 31 (iii) Disclose a medical report, except as related to the cause of the  
32 child's injury or death as a result of the abuse or neglect; ~~or~~
- 33 (iv) ~~Except for the information in subsection (d) of this section,~~  
34 ~~{disclose} AND EXCEPT AS PROVIDED IN SUBSECTION (H) OF THIS SECTION, the file~~  
35 ~~relating to the allegedly abused or neglected child.~~

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

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

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

9 ~~(H)~~ (E) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW EXCEPT  
 10 SUBSECTION (C)(1) OF THIS SECTION, THE SECRETARY OR THE LOCAL DIRECTOR OF  
 11 ~~SOCIAL SERVICES~~, ON REQUEST, SHALL DISCLOSE ALL RECORDS CONCERNING A  
 12 CHILD WHO HAS DIED OR SUFFERED A SEVERE PHYSICAL INJURY AS DEFINED IN §  
 13 3-601 OF THE CRIMINAL LAW ARTICLE WITHOUT LIMITATION ON FURTHER  
 14 DISSEMINATION, UNLESS LIMITED BY COURT ORDER UNDER PARAGRAPH (3) OF THIS  
 15 SUBSECTION, TO:

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

18 (II) THE STATE'S ATTORNEY'S OFFICE; ~~OR~~ AND

19 (III) THE LOCAL HEALTH OFFICER.

20 (2) THE FOLLOWING INFORMATION SHALL BE REDACTED FROM ANY  
 21 ~~FILES OR REPORTS~~ RECORDS PRIOR TO DISCLOSURE BY THE SECRETARY OR THE  
 22 ~~LOCAL DIRECTOR OF SOCIAL SERVICES~~ UNDER THIS SUBSECTION:

23 (I) THE IDENTITY OF THE REPORTER; ~~OR~~

24 (II) ~~NAMES OF THE SIBLINGS OF THE CHILD OR THE NAME OF ANY~~  
 25 ~~OTHER PERSON WHOSE LIFE OR SAFETY IS LIKELY TO BE ENDANGERED BY~~  
 26 ~~DISCLOSING THE INFORMATION;~~ ~~OR~~

27 ~~(III) THE NAMES OF THE SOCIAL SERVICES CASE WORKERS WHO~~  
 28 ~~PREPARED RECORDS OR PROVIDED SERVICES.~~

29 (3) THE SECRETARY, THE DIRECTOR, AN ATTORNEY FOR THE CHILD, OR  
 30 AN ATTORNEY FOR A PARENT OF THE CHILD MAY FILE WITH THE CIRCUIT COURT A  
 31 MOTION FOR A PROTECTIVE ORDER UNDER THE MARYLAND RULES TO LIMIT  
 32 FURTHER DISSEMINATION OF INFORMATION DISCLOSED UNDER PARAGRAPH (1) OF  
 33 THIS SUBSECTION.

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

