

Department of Legislative Services  
Maryland General Assembly  
2006 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 1523

(Delegate Zirkin)

Judiciary

Judicial Proceedings

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**Child Abuse and Neglect Records and Reports - Access by Counsel for the Child**

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This bill requires child abuse and neglect records and reports to be disclosed to an attorney representing a child who is the subject of the record or report.

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**Fiscal Summary**

**State Effect:** None. The change would not directly affect governmental finances.

**Local Effect:** None. The change would not directly affect local government finances.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Except as otherwise provided under statute, all child abuse and neglect records and reports are confidential and their unauthorized disclosure is a criminal offense and is subject to a penalty. Misusing public assistance lists and records is a misdemeanor and is punishable by maximum penalties of a \$500 fine and/or 90-days imprisonment, at the court's discretion.

Child abuse reports or records must be disclosed: under a court order; under an order of an administrative law judge, under certain circumstances; and on written request, to the Baltimore City Health Department, under certain circumstances.

All court records for children in need of assistance pertaining to a child must be confidential and their contents may not be divulged, by subpoena or otherwise, except by

order of the court on good cause shown. This does not prohibit review of a court record by personnel of the court, a party, counsel for a party, a court-appointed special advocate for the child, Department of Human Resources Social Services Administration authorized personnel, or the Baltimore City Health Department.

**Background:** Testimony on the bill indicted that council in the *L.J. v. Massinga* case, a federal class action case overseeing foster care for children in the custody of the Baltimore City Department of Social Services, have been denied access to information that would help them determine the extent to which the department is complying with the terms of the now 17-year-old consent decree, which mandated widespread reforms of the Baltimore City Department of Social Services foster care system.

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### Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Human Resources, Judiciary (Administrative Office of the Courts), Office of the Public Defender, Department of Health and Mental Hygiene, Department of Legislative Services

**Fiscal Note History:** First Reader - March 7, 2006  
ncs/ljm Revised - House Third Reader - April 3, 2006

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