

SENATE BILL 321

D4

71r1445

By: **Senators Kelley and Currie**

Introduced and read first time: January 31, 2007

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: March 7, 2007

CHAPTER _____

1 AN ACT concerning

2 **State Citizens Review Board for Children – Child Abuse or Neglect**

3 FOR the purpose of requiring the State Citizens Review Board for Children, its
4 designee, or staff to report certain suspected child abuse or neglect to certain
5 authorities under certain circumstances; repealing a provision authorizing the
6 Special Secretary for Children, Youth, and Families to impose a certain civil
7 penalty for a violation of a certain provision prohibiting the disclosure of certain
8 information and authorizing the Attorney General to impose the civil penalty;
9 and generally relating to the State Citizens Review Board for Children.

10 BY repealing and reenacting, with amendments,

11 Article – Family Law

12 Section 5–539.3

13 Annotated Code of Maryland

14 (2006 Replacement Volume)

15 Preamble

16 WHEREAS, The threat to children from abuse and neglect by parents or other
17 individuals with care or custody is a compelling state interest that justifies certain
18 State intrusions into the privacy of families; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 WHEREAS, In order to protect children, the State of Maryland has required all
2 persons to report child abuse and neglect to the proper authorities; and

3 WHEREAS, The privacy and confidentiality of families is entrusted to the State
4 Citizens Review Board for Children, its designees, and staff; and

5 WHEREAS, Occasions arise in which protection of children conflicts with
6 existing provisions designed to protect the confidentiality of families; and

7 WHEREAS, The General Assembly wishes to establish that protection of
8 children is a value of the highest order; now, therefore,

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

11 **Article – Family Law**

12 5–539.3.

13 (a) The members of the State Board and the Board’s designees and staff:

14 (1) **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,**
15 may not disclose to any person or government official any identifying information
16 about any specific child protection case about which the State Board is provided
17 information; and

18 (2) may make public other information unless prohibited by law.

19 **(B) IF INFORMATION IS DISCOVERED DURING A CASE REVIEW THAT**
20 **CREATES A REASONABLE BELIEF THAT A CHILD HAS BEEN SUBJECTED TO**
21 **ABUSE OR NEGLECT AND THAT ABUSE OR NEGLECT HAS NOT BEEN REPORTED**
22 **UNDER THE PROVISIONS OF SUBTITLE 7 OF THIS TITLE, A MEMBER OF THE**
23 **STATE BOARD OR THE BOARD’S DESIGNEE OR STAFF SHALL REPORT THE**
24 **SUSPECTED ABUSE OR NEGLECT TO THE APPROPRIATE AUTHORITIES IN**
25 **ACCORDANCE WITH SUBTITLE 7 OF THIS TITLE.**

26 [(b)] (C) In addition to any other penalties provided by law, the [Special
27 Secretary for Children, Youth, and Families] **ATTORNEY GENERAL** may impose on
28 any person who violates subsection (a) of this section a civil penalty not exceeding
29 \$500 for each violation.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2007.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.