

CHAPTER 264

(House Bill 1071)

AN ACT concerning

Child Fatality Review Teams – Access and Disclosure of Information

FOR the purpose of authorizing a certain local team to investigate certain information and records; requiring that a certain local team be immediately provided access to certain information and records maintained by a health care provider regarding a child convicted of a crime or adjudicated as having committed a delinquent act that caused a certain death or fatality; requiring that a certain local team be immediately provided access to all information and records maintained by any State or local government agency that provided services to a certain child or family; prohibiting the identification of a child convicted of a crime or adjudicated as having committed a delinquent act that caused a certain death or fatality during certain public meetings; prohibiting the disclosure of information regarding the involvement of any agency with certain individuals during certain public meetings; and generally relating to access and disclosure of information by child fatality review teams.

BY repealing and reenacting, with amendments,
Article – Health – General
Section ~~5-707~~ 5-706, 5-707, and 5-708
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

Article – Health – General

5-706.

- (a) The purpose of the local team is to prevent child deaths by:
- (1) Promoting cooperation and coordination among agencies involved in investigations of child deaths or in providing services to surviving family members;

(2) Developing an understanding of the causes and incidence of child deaths in the county;

(3) Developing plans for and recommending changes within the agencies the members represent to prevent child deaths; and

(4) Advising the State Team on changes to law, policy, or practice to prevent child deaths.

(b) To achieve its purpose, the local team shall:

(1) In consultation with the State Team, establish and implement a protocol for the local team;

(2) Set as its goal the investigation of child deaths in accordance with national standards;

(3) Meet at least quarterly to review the status of child fatality cases, recommend actions to improve coordination of services and investigations among member agencies, and recommend actions within the member agencies to prevent child deaths;

(4) Collect and maintain data as required by the State Team;

(5) Provide requested reports to the State Team, including discussion of individual cases, steps taken to improve coordination of services and investigations, steps taken to implement changes recommended by the local team within member agencies, and recommendations on needed changes to State and local law, policy, and practice to prevent child deaths; and

(6) In consultation with the State Team:

(i) Define “near fatality”; and

(ii) Develop procedures and protocols that local teams and the State Team may use to review cases of near fatality.

(C) IN ADDITION TO THE DUTIES SPECIFIED IN SUBSECTION (B) OF THIS SECTION, A LOCAL TEAM MAY INVESTIGATE THE INFORMATION AND RECORDS OF A CHILD CONVICTED OF A CRIME OR ADJUDICATED AS HAVING COMMITTED A DELINQUENT ACT THAT CAUSED A DEATH OR NEAR FATALITY DESCRIBED IN § 5-707 OF THIS SUBTITLE.

5-707.

Upon request of the chair of the local team and as necessary to carry out the local team's purpose and duties, the local team shall be immediately provided:

[(1) By a provider of medical care, including dental and mental health care, with access to information and records regarding a child whose death is being reviewed by the local team, including information on prenatal care; and]

(1) ACCESS TO INFORMATION AND RECORDS, INCLUDING INFORMATION ON PRENATAL CARE, MAINTAINED BY A HEALTH CARE PROVIDER REGARDING:

(I) A CHILD WHOSE DEATH IS BEING REVIEWED BY THE LOCAL TEAM; OR

(II) A CHILD CONVICTED OF A CRIME OR ADJUDICATED AS HAVING COMMITTED A DELINQUENT ACT THAT CAUSED ~~THE~~ A DEATH OR NEAR FATALITY ~~BEING REVIEWED BY THE LOCAL TEAM~~; AND

(2) Access to all information and records maintained by any State or local government agency, including birth certificates, law enforcement investigative information, medical examiner investigative information, parole and probation information and records, and information and records of a social services agency that provided services to ~~the child or family~~;

(I) A CHILD WHOSE DEATH IS BEING REVIEWED BY THE LOCAL TEAM;

(II) A CHILD CONVICTED OF A CRIME OR ADJUDICATED AS HAVING COMMITTED A DELINQUENT ACT THAT CAUSED A DEATH OR NEAR FATALITY; OR

(III) THE FAMILY OF A CHILD DESCRIBED IN ITEM (I) OR (II) OF THIS PARAGRAPH.

5-708.

(a) Meetings of the State Team and of local teams shall be closed to the public and not subject to Title 10, Subtitle 5 of the State Government Article when the State Team or local teams are discussing individual cases of child deaths.

(b) Except as provided in subsection (c) of this section, meetings of the State Team and of local teams shall be open to the public and subject to Title 10, Subtitle 5 of the State Government Article when the State Team or local team is not discussing individual cases of child deaths.

(c) [(1) Information identifying a deceased child, a family member, a guardian or caretaker of a deceased child, or an alleged or suspected perpetrator of abuse or neglect upon a child, may not be disclosed during a public meeting.]

(1) DURING A PUBLIC MEETING, INFORMATION MAY NOT BE DISCLOSED THAT IDENTIFIES:

(I) A DECEASED CHILD;

(II) A FAMILY MEMBER, GUARDIAN, OR CARETAKER OF A DECEASED CHILD;

(III) AN ALLEGED OR SUSPECTED PERPETRATOR OF ABUSE OR NEGLECT UPON A CHILD; OR

(IV) A CHILD CONVICTED OF A CRIME OR ADJUDICATED AS HAVING COMMITTED A DELINQUENT ACT THAT CAUSED THE A DEATH OR NEAR FATALITY OF ANOTHER CHILD.

~~(2) Information regarding the involvement of any agency with the deceased child or family may not be disclosed during a public meeting.~~

(2) DURING A PUBLIC MEETING, INFORMATION MAY NOT BE DISCLOSED REGARDING THE INVOLVEMENT OF ANY AGENCY WITH:

(I) A DECEASED CHILD;

(II) A FAMILY MEMBER, GUARDIAN, OR CARETAKER OF A DECEASED CHILD;

(III) AN ALLEGED OR SUSPECTED PERPETRATOR OF ABUSE OR NEGLECT UPON A CHILD; OR

(IV) A CHILD CONVICTED OF A CRIME OR ADJUDICATED AS HAVING COMMITTED A DELINQUENT ACT THAT CAUSED A DEATH OR NEAR FATALITY.

(d) This section does not prohibit the State Team or a local team from requesting the attendance at a team meeting of a person who has information relevant to the team's exercise of its purpose and duties.

(e) Violation of this section is a misdemeanor and is punishable by a fine not exceeding \$500 or imprisonment not exceeding 90 days or both.

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

Approved by the Governor, April 24, 2007.