

# HOUSE BILL 265

D4

(8lr0176)

## **ENROLLED BILL**

—*Judiciary/Judicial Proceedings*—

Introduced by **Chair, Judiciary Committee (By Request - Departmental - Public Safety and Correctional Services)**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Family Law - Emergency Placement of Children - Criminal History Records**  
3 **Checks**

4 FOR the purpose of authorizing a local department of social services to request that a  
5 certain agency perform a federal name-based criminal history records check on  
6 certain individuals if a child is placed in an emergency ~~in-home~~ out-of-home  
7 placement; authorizing a certain agency to provide certain results to a local  
8 department; requiring a local department to submit fingerprints to the  
9 Department of Public Safety and Correctional Services under certain  
10 circumstances; requiring the Department to conduct a certain criminal history  
11 records check under certain circumstances; requiring that a child be removed  
12 from an emergency ~~in-home~~ out-of-home placement under certain  
13 circumstances; requiring a certain individual to submit certain information to a  
14 local department under certain circumstances; requiring a certain individual to

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**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.

*Italics indicate opposite chamber / conference committee amendments.*



1 pay a certain fee under certain circumstances; defining a certain term; and  
2 generally relating to emergency ~~in-home~~ out-of-home placements and criminal  
3 history records checks.

4 BY adding to  
5 Article – Family Law  
6 Section 5–569  
7 Annotated Code of Maryland  
8 (2006 Replacement Volume and 2007 Supplement)

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 **5–569.**

13 (A) IN THIS SECTION, “EMERGENCY ~~HOME~~ OUT-OF-HOME PLACEMENT”  
14 MEANS ~~THOSE LIMITED INSTANCES WHEN~~ AN OUT-OF-HOME PLACEMENT IN  
15 WHICH A LOCAL DEPARTMENT PLACES A CHILD IN THE HOME OF A PRIVATE  
16 INDIVIDUAL, INCLUDING A NEIGHBOR, FRIEND, OR RELATIVE, AS A RESULT OF A  
17 SUDDEN UNAVAILABILITY OF THE CHILD’S PRIMARY CARETAKER.

18 (B) (1) IF A CHILD IS PLACED IN AN EMERGENCY ~~IN-HOME~~  
19 OUT-OF-HOME PLACEMENT, A LOCAL DEPARTMENT MAY REQUEST THAT A  
20 DESIGNATED STATE OR LOCAL LAW ENFORCEMENT AGENCY IN THE STATE OR  
21 OTHER LOCATION APPROVED BY THE DEPARTMENT PERFORM A FEDERAL  
22 NAME-BASED CHECK ON ANY INDIVIDUAL DESCRIBED IN § 5–561(C)(4), (5)(II),  
23 AND (6)(II) OF THIS SUBTITLE.

24 (2) THE DESIGNATED AGENCY DESCRIBED IN PARAGRAPH (1) OF  
25 THIS SUBSECTION MAY PROVIDE THE RESULTS OF THE NAME-BASED CHECK TO  
26 THE LOCAL DEPARTMENT.

27 (3) WITHIN 15 CALENDAR DAYS AFTER THE LOCAL DEPARTMENT  
28 RECEIVES THE RESULTS OF THE NAME-BASED CHECK, THE LOCAL  
29 DEPARTMENT SHALL SUBMIT A COMPLETE SET OF FINGERPRINTS TO THE  
30 DEPARTMENT FOR EACH INDIVIDUAL DESCRIBED IN PARAGRAPH (1) OF THIS  
31 SUBSECTION ON WHOM A NAME-BASED CHECK WAS PERFORMED.

32 (4) WITHIN 15 CALENDAR DAYS AFTER THE DATE ON WHICH THE  
33 NAME-BASED CHECK WAS PERFORMED, THE DEPARTMENT SHALL PERFORM A  
34 CRIMINAL HISTORY RECORDS CHECK, IN ACCORDANCE WITH § 5–564 OF THIS  
35 SUBTITLE.

1           (C) A CHILD SHALL BE REMOVED IMMEDIATELY FROM AN EMERGENCY  
2 ~~IN-HOME~~ OUT-OF-HOME PLACEMENT IF ANY INDIVIDUAL REQUIRED TO SUBMIT  
3 TO A NAME-BASED CHECK FAILS TO COMPLY WITH THIS SECTION.

4           (D) WHEN THE PLACEMENT OF A CHILD IN A HOME IS DENIED AS A  
5 RESULT OF A NAME-BASED CRIMINAL HISTORY RECORDS CHECK OF AN  
6 INDIVIDUAL AND THE INDIVIDUAL CONTESTS THAT DENIAL, THE INDIVIDUAL  
7 SHALL SUBMIT TO THE LOCAL DEPARTMENT:

8                   (1) A COMPLETE SET OF FINGERPRINTS; AND

9                   (2) WRITTEN PERMISSION ALLOWING THE LOCAL DEPARTMENT  
10 TO FORWARD THE FINGERPRINTS TO THE DEPARTMENT FOR SUBMISSION TO  
11 THE FEDERAL BUREAU OF INVESTIGATION.

12           (E) AN INDIVIDUAL WHO IS REQUIRED TO SUBMIT TO A CRIMINAL  
13 HISTORY RECORDS CHECK UNDER THIS SECTION SHALL PAY THE FEES  
14 REQUIRED UNDER § 5-561(H) OF THIS SUBTITLE.

15           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2008.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.