

HOUSE BILL 265

D4

8lr0176

By: **Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)**

Introduced and read first time: January 23, 2008

Assigned to: Judiciary

A BILL ENTITLED

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 placement;
7 authorizing a certain agency to provide certain results to a local department;
8 requiring a local department to submit fingerprints to the Department of Public
9 Safety and Correctional Services under certain circumstances; requiring the
10 Department to conduct a certain criminal history records check under certain
11 circumstances; requiring that a child be removed from an emergency in-home
12 placement under certain circumstances; requiring a certain individual to submit
13 certain information to a local department under certain circumstances;
14 requiring a certain individual to pay a certain fee under certain circumstances;
15 defining a certain term; and generally relating to emergency in-home
16 placements and criminal history records checks.

17 BY adding to

18 Article – Family Law

19 Section 5–569

20 Annotated Code of Maryland

21 (2006 Replacement Volume and 2007 Supplement)

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

24 **Article – Family Law**

25 **5–569.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (A) IN THIS SECTION, "EMERGENCY HOME PLACEMENT" MEANS THOSE
2 LIMITED INSTANCES WHEN A LOCAL DEPARTMENT PLACES A CHILD IN THE
3 HOME OF A PRIVATE INDIVIDUAL, INCLUDING A NEIGHBOR, FRIEND, OR
4 RELATIVE, AS A RESULT OF A SUDDEN UNAVAILABILITY OF THE CHILD'S
5 PRIMARY CARETAKER.

6 (B) (1) IF A CHILD IS PLACED IN AN EMERGENCY IN-HOME
7 PLACEMENT, A LOCAL DEPARTMENT MAY REQUEST THAT A DESIGNATED STATE
8 OR LOCAL LAW ENFORCEMENT AGENCY IN THE STATE OR OTHER LOCATION
9 APPROVED BY THE DEPARTMENT PERFORM A FEDERAL NAME-BASED CHECK
10 ON ANY INDIVIDUAL DESCRIBED IN § 5-561(C)(4), (5)(II), AND (6)(II) OF THIS
11 SUBTITLE.

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

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

20 (4) WITHIN 15 DAYS AFTER THE DATE ON WHICH THE
21 NAME-BASED CHECK WAS PERFORMED, THE DEPARTMENT SHALL PERFORM A
22 CRIMINAL HISTORY RECORDS CHECK, IN ACCORDANCE WITH § 5-564 OF THIS
23 SUBTITLE.

24 (C) A CHILD SHALL BE REMOVED IMMEDIATELY FROM AN EMERGENCY
25 IN-HOME PLACEMENT IF ANY INDIVIDUAL REQUIRED TO SUBMIT A
26 NAME-BASED CHECK FAILS TO COMPLY WITH THIS SECTION.

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

31 (1) A COMPLETE SET OF FINGERPRINTS; AND

32 (2) WRITTEN PERMISSION ALLOWING THE LOCAL DEPARTMENT
33 TO FORWARD THE FINGERPRINTS TO THE DEPARTMENT FOR SUBMISSION TO
34 THE FEDERAL BUREAU OF INVESTIGATION.

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

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