

# HOUSE BILL 265

D4

8lr0176

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

Introduced and read first time: January 23, 2008

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 12, 2008

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## 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 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:

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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.



## 1 Article - Family Law

2 **5-569.**

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

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

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

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

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

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

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

33 (1) A COMPLETE SET OF FINGERPRINTS; AND

1           **(2) WRITTEN PERMISSION ALLOWING THE LOCAL DEPARTMENT**  
2 **TO FORWARD THE FINGERPRINTS TO THE DEPARTMENT FOR SUBMISSION TO**  
3 **THE FEDERAL BUREAU OF INVESTIGATION.**

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

7           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 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.