

# HOUSE BILL 1327

D4

8lr2436

---

By: **Delegates Waldstreicher and Dumais**  
Introduced and read first time: February 8, 2008  
Assigned to: Judiciary

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Child Abuse and Neglect – Monitoring of Abusers**

3 FOR the purpose of requiring a representative of a local department of social services,  
4 when removing a child from a household under certain circumstances, to decide  
5 in writing on the safety of any other children in the household and authorizing  
6 the representative to remove other children under certain circumstances;  
7 requiring a local department of social services, if a court terminates the  
8 parental rights of an individual due to abuse or neglect of a child, to file with  
9 the court an affidavit setting forth certain findings, to monitor the individual  
10 and any children in the care or custody of the individual in a certain manner  
11 and for a certain period of time, and to forward the name of the monitored  
12 individual to the Social Services Administration for a certain purpose; requiring  
13 the local department to state certain information related to the pregnancy of a  
14 monitored individual in the individual's file; extending the monitoring period  
15 under certain circumstances; requiring the Administration to maintain a  
16 certain registry of monitored individuals and in collaboration with the  
17 Department of Health and Mental Hygiene, cross-reference the registry with  
18 the database of births; requiring the Administration to forward certain  
19 information to the appropriate local department of social services; requiring the  
20 Administration to adopt certain regulations; and generally relating to child  
21 abuse and neglect.

22 BY repealing and reenacting, with amendments,  
23 Article – Family Law  
24 Section 5–709  
25 Annotated Code of Maryland  
26 (2006 Replacement Volume and 2007 Supplement)

27 BY adding to  
28 Article – Family Law  
29 Section 5–715

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2006 Replacement Volume and 2007 Supplement)

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

5 **Article – Family Law**

6 **5–709.**

7 (a) If a representative of a local department is conducting an investigation  
8 under this subtitle, the representative may enter the household, if the representative:

9 (1) previously has been denied the right of entry; and

10 (2) has probable cause to believe that a child is in serious, immediate  
11 danger.

12 (b) A police officer shall accompany the representative and may use  
13 reasonable force, if necessary, to enable the representative to gain entry.

14 (c) (1) The representative may remove the child temporarily, without  
15 prior approval by the juvenile court, if the representative believes that the child is in  
16 serious, immediate danger.

17 (2) **THE REPRESENTATIVE SHALL DECIDE IN WRITING ON THE**  
18 **SAFETY OF ANY OTHER CHILDREN IN THE HOUSEHOLD AND MAY REMOVE ANY**  
19 **OTHER CHILD TEMPORARILY, WITHOUT PRIOR APPROVAL BY THE JUVENILE**  
20 **COURT, IF THE REPRESENTATIVE BELIEVES THAT THE CHILD IS IN SERIOUS,**  
21 **IMMEDIATE DANGER.**

22 (d) If a child is removed from a household under this section, the local  
23 department shall have the child thoroughly examined by a physician and a report of  
24 this examination shall be included in a report made under § 5–706(i) of this subtitle  
25 within the time specified.

26 **5–715.**

27 (A) **IF A COURT TERMINATES THE PARENTAL RIGHTS OF AN INDIVIDUAL**  
28 **DUE TO ABUSE OR NEGLECT OF A CHILD, THE LOCAL DEPARTMENT SHALL:**

29 (1) **FILE WITH THE COURT AN AFFIDAVIT SETTING FORTH**  
30 **FINDINGS ON:**

31 (I) **THE SAFETY OF ANY OTHER CHILDREN IN THE CARE OR**  
32 **CUSTODY OF THE INDIVIDUAL; AND**

1                   **(II) IF THE INDIVIDUAL IS A WOMAN, WHETHER THE**  
2 **INDIVIDUAL IS PREGNANT;**

3                   **(2) MONITOR THE INDIVIDUAL AND ANY CHILDREN IN THE CARE**  
4 **OR CUSTODY OF THE INDIVIDUAL FOR A PERIOD OF 5 YEARS THROUGH**  
5 **SEMIANNUAL VISITS AND WRITTEN REPORTS; AND**

6                   **(3) FORWARD THE NAME OF THE MONITORED INDIVIDUAL TO THE**  
7 **ADMINISTRATION TO BE INCLUDED IN A CENTRAL REGISTRY OF MONITORED**  
8 **INDIVIDUALS.**

9                   **(B) (1) IF AT ANY TIME THE LOCAL DEPARTMENT REASONABLY**  
10 **BELIEVES THAT A MONITORED INDIVIDUAL IS PREGNANT, THAT INFORMATION**  
11 **SHALL BE STATED IN THE FILE OF THE MONITORED INDIVIDUAL.**

12                   **(2) THE BIRTH OF A CHILD TO A MONITORED INDIVIDUAL SHALL**  
13 **EXTEND THE MONITORING PERIOD UNDER SUBSECTION (A) OF THIS SECTION**  
14 **FOR A PERIOD OF 5 YEARS AFTER THE BIRTH.**

15                   **(C) THE ADMINISTRATION SHALL:**

16                   **(1) MAINTAIN A CENTRAL REGISTRY OF INDIVIDUALS WHO ARE**  
17 **MONITORED UNDER THIS SECTION, AND IN COLLABORATION WITH THE**  
18 **DEPARTMENT OF HEALTH AND MENTAL HYGIENE, CROSS-REFERENCE THE**  
19 **REGISTRY WITH THE DATABASE OF BIRTHS MAINTAINED BY THE DEPARTMENT**  
20 **OF HEALTH AND MENTAL HYGIENE;**

21                   **(2) FORWARD TO THE APPROPRIATE LOCAL DEPARTMENT**  
22 **INFORMATION ABOUT ANY BIRTH TO A MONITORED INDIVIDUAL; AND**

23                   **(3) ADOPT REGULATIONS NECESSARY TO CARRY OUT THE**  
24 **PROVISIONS OF THIS SECTION.**

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