SENATE BILL 632

J1, O1, O4 8lr1706

By: Senators Jacobs, Forehand, Jones, Kelley, Kittleman, Kramer, McFadden, Munson, Muse, Pugh, Raskin, and Stone

Introduced and read first time: February 1, 2008

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 19, 2008

CHAPTER

1 AN ACT concerning

2 3

Social Services Administration – Children Subject to Threatened Injury <u>Substantial Risk of Abuse or Neglect</u> – Identification and Notice

- 4 FOR the purpose of requiring the Secretary of Health and Mental Hygiene to allow the disclosure of certain birth records data provide certain birth record information 5 6 to the Executive Director of the Social Services Administration in the 7 Department of Human Resources; requiring the Executive Director to use 8 certain birth records data and certain data from the child abuse or neglect central registry to identify certain children who may be subject to threatened 9 injury by a certain individual; requiring the Executive Director to identify a 10 certain child as subject to threatened injury if the individual responsible for the 11 child's care meets certain criteria; requiring the Administration to send a 12 certain notice to a certain local department in certain circumstances; defining a 13 certain term provide certain information regarding certain individuals to the 14 Secretary; requiring the Executive Director to take certain action following the 15 receipt of certain information from the Secretary; providing a certain exception 16 to the confidentiality of certain vital records; and generally relating to the Social 17 Services Administration and children subject to threatened injury substantial 18 risk of abuse or neglect. 19
- 20 BY adding to
- 21 Article Health General
- 22 Section 4–222
- 23 Annotated Code of Maryland
- 24 (2005 Replacement Volume and 2007 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates amendments to bill.

Strike out indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 2 3 4 5	BY repealing and reenacting, with amendments, Article – Health – General Section 4–224 Annotated Code of Maryland (2005 Replacement Volume and 2007 Supplement)
6	BY adding to
7	Article – Family Law
8	Section 5–715
9	Annotated Code of Maryland
10	(2006 Replacement Volume and 2007 Supplement)
$rac{1}{2}$	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
13	Article - Health - General
L 4	4-222.
L5	THE SECRETARY SHALL ALLOW THE DISCLOSURE OF BIRTH RECORDS
l 6	DATA, INCLUDING THE SOCIAL SECURITY NUMBERS OF THE PARENTS, TO THE
L 7	EXECUTIVE DIRECTOR OF THE SOCIAL SERVICES ADMINISTRATION IN THE
18	DEPARTMENT OF HUMAN RESOURCES FOR THE PURPOSE OF IDENTIFYING
19	CHILDREN WHO ARE SUBJECT TO THREATENED INJURY, AS DEFINED IN § 5–715
20	OF THE FAMILY LAW ARTICLE, BY AN INDIVIDUAL RESPONSIBLE FOR THE
21	CHILD'S CARE.
22	<u>4–222.</u>
23	THE SECRETARY SHALL PROVIDE TO THE EXECUTIVE DIRECTOR OF THE
24	SOCIAL SERVICES ADMINISTRATION IN THE DEPARTMENT OF HUMAN
25	RESOURCES BIRTH RECORD INFORMATION FOR A CHILD BORN TO AN
26	INDIVIDUAL WHOSE IDENTIFYING INFORMATION HAS BEEN PROVIDED TO THE
27	SECRETARY BY THE EXECUTIVE DIRECTOR UNDER § 5–715 OF THE FAMILY
28	LAW ARTICLE.
29	4–224.
30	To protect the integrity of vital records, to insure their proper use, and to insure
31	the efficient and proper administration of the vital records system, a person may not
32	except as authorized in § 4–217, § 4–220, [or] § 4–221, OR § 4–222 of this subtitle or §
33	9–1015 of the State Government Article or by the rules and regulations of the
34	Department:

${1 \atop 2}$	vital record; or	Permit inspection of or disclose any information contained in a
3	<u>(2)</u>	Copy or issue a copy of all or part of any vital record.
4		Article - Family Law
5	5-715.	
6	(A) IN T	HIS SECTION, "THREATENED INJURY" MEANS A STATEMENT,
7		DITION, OR STATUS THAT REPRESENTS A SUBSTANTIAL RISK OF
8	•	XUAL ABUSE OR MENTAL INJURY.
9	(B) (1)	THE EXECUTIVE DIRECTOR SHALL USE THE BIRTH RECORDS
10	DATA AS AUTHO	RIZED UNDER § 4-222 OF THE HEALTH - GENERAL ARTICLE
11	AND DATA FRO	OM THE CHILD ABUSE OR NEGLECT CENTRAL REGISTRY
12	ESTABLISHED UP	NDER § 5-714 OF THIS SUBTITLE TO IDENTIFY CHILDREN WHO
13	ARE SUBJECT TO	O THREATENED INJURY BY AN INDIVIDUAL RESPONSIBLE FOR
14	THE CHILD'S CAI	
15	(2)	THE EXECUTIVE DIRECTOR SHALL IDENTIFY A CHILD AS
16	SUBJECT TO THE	REATENED INJURY IF THE INDIVIDUAL RESPONSIBLE FOR THE
17	CHILD'S CARE IS	LISTED IN THE CHILD ABUSE OR NEGLECT CENTRAL REGISTRY
18	AND THE INDIVI	DUAL:
19		(I) HAS HAD THE INDIVIDUAL'S PARENTAL RIGHTS
20	TERMINATED:	(1) IIIIS IIIID THE ENDIVIDUALS PARENTAL RIGHTS
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21		(H) HAS HAD PERMANENT LEGAL AND PHYSICAL CUSTODY
22	OF A CHILD INVO	LUNTARILY TRANSFERRED TO A RELATIVE; OR
23		(III) HAS BEEN FOUND RESPONSIBLE FOR THE ABUSE OR
24	NEGLECT OF A C	
25	(C) I F A	CHILD IS IDENTIFIED AS A CHILD SUBJECT TO THREATENED
26	INJURY UNDER	SUBSECTION (B) OF THIS SECTION, THE ADMINISTRATION
27	SHALL IMMEDIA	TELY NOTIFY THE LOCAL DEPARTMENT OF THE COUNTY IN
28	WHICH THE CH	LD RESIDES THAT THERE IS A NEWBORN RESIDING IN THE
29	COUNTY WHO IS	SUBJECT TO THREATENED INJURY.
30	<u>5–715.</u>	
31	(A) THE	EXECUTIVE DIRECTOR OF THE ADMINISTRATION SHALL

PROVIDE THE SECRETARY OF HEALTH AND MENTAL HYGIENE WITH

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1	IDENTIFYING INFORMATION REGARDING INDIVIDUALS WHO HAVE HAD THEIR
2	PARENTAL RIGHTS TERMINATED.
3	(B) IF IN ACCORDANCE WITH § 4–222 OF THE HEALTH – GENERAL
4	ARTICLE, THE SECRETARY PROVIDES TO THE EXECUTIVE DIRECTOR BIRTH
5	RECORD INFORMATION FOR A CHILD BORN TO AN INDIVIDUAL WHOSE
6	IDENTIFYING INFORMATION HAS BEEN PROVIDED UNDER SUBSECTION (A) OF
7	THIS SECTION, THE EXECUTIVE DIRECTOR SHALL:
8	(1) IDENTIFY THE CHILD AS SUBJECT TO SUBSTANTIAL RISK OF
9	ABUSE OR NEGLECT;
10	(2) VERIFY THE IDENTITY OF THE BIRTH PARENT; AND
11	(3) IMMEDIATELY NOTIFY THE LOCAL DEPARTMENT OF THE
12	COUNTY IN WHICH THE CHILD RESIDES THAT THERE IS A NEWBORN RESIDING IN
13	THE COUNTY WHO IS SUBJECT TO SUBSTANTIAL RISK OF ABUSE OR NEGLECT.
14	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15	October 1, 2008.
	Approved:
	Governor.
	President of the Senate.
	Speaker of the House of Delegates.