

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE
Revised

House Bill 768

(Delegate Anderson)

(By Request – Baltimore City Administration)

Judiciary

Judicial Proceedings

Children - Records - Access by the Baltimore City Health Department

This bill authorizes the Baltimore City Health Department to access court, social service, juvenile justice, and police records as they pertain to a child who committed a crime that caused a death or near fatality. These provisions terminate on September 30, 2011.

The bill also extends the termination date to September 30, 2011 for the disclosure of court, social service, juvenile justice, and police records as they pertain to victims of violence or children under the health department's care.

Fiscal Summary

State Effect: State finances would not be materially affected, as State agencies are already performing the functions in the bill. Additional disclosure requirements could be handled with existing resources.

Local Effect: Baltimore City finances would not be affected, as the city's health department is currently performing the functions authorized by the bill.

Small Business Effect: None.

Analysis

Current Law: Chapter 10 of 2006 established the authority of the Baltimore City Health Department to access the court, social service, juvenile justice, and police records of children who are victims of violence or who are under the health department's care. For

records concerning victims of violence, the purpose of the disclosure must be the development of appropriate programs and policies to reduce violence against Baltimore City children. All information must be kept confidential and the health department must report on the purposes for which the records were used. The health department is liable for the unauthorized release of any information provided under the bill's provisions. This authority terminates on September 30, 2008.

Background: A confidential record of the Department of Juvenile Services may be used only for the research or study for which it was obtained. A person is prohibited from disclosing a confidential record to any person who is not engaged in its research or study project. The prohibition does not apply to statistics or other information that does not disclose the identity of any person who is the subject of the confidential record.

It is unlawful for any person to disclose any information regarding an applicant for or recipient of the Department of Human Resources' social services programs. All records and reports about child abuse and neglect are confidential; however, records of child abuse or neglect must be disclosed pursuant to an order of the court or an administrative law judge. Child abuse and neglect records may be disclosed on request to the personnel or persons of interest specified in statute. Unauthorized disclosure of child abuse or neglect records is a misdemeanor and is subject to up to 90 days imprisonment and/or a fine of up to \$500.

Court records pertaining to a child are confidential and may not be divulged except by court order for good cause; however, records may be reviewed by court personnel, a party or the party's counsel, a Court Appointed Special Advocate or other authorized personnel. Police and fingerprint records concerning children are confidential and generally may only be disclosed by court order for good cause. Specified agencies and personnel may attain access to and use of these records as specified in statute.

The Secretary of Public Safety and Correctional Services is authorized to establish conditions regarding the use and availability of records and statistics kept by the department to preserve the information, protect confidential information, or to preserve a prosecution.

Additional Comments: Baltimore City advises that the health department requested approximately 375 records from State and local agencies in the last year for programmatic purposes. An additional 150 records were requested for the Operation Safe Kids' annual statistical report, with another 560 requests anticipated in the next month for program evaluation purposes.

Additional Information

Prior Introductions: None.

Cross File: SB 607 (Senators Pugh and McFadden, *et al.*) - Judicial Proceedings.

Information Source(s): Department of Human Resources, Department of Health and Mental Hygiene, Baltimore City, Department of Legislative Services

Fiscal Note History: First Reader - February 5, 2008
mll/hlb Revised - House Third Reader - March 20, 2008

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