

# HOUSE BILL 57

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By: **Delegates Rosenberg, Dumais, and Waldstreicher**

Introduced and read first time: January 15, 2009

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Child Abuse and Neglect – Referral to Family Planning Services**

3 FOR the purpose of requiring the Department of Human Resources to refer an  
4 individual to certain family planning counseling and services when the  
5 individual is identified as responsible for child abuse or neglect in a certain  
6 central registry of child abuse and neglect cases or when the parental rights of  
7 the individual are terminated involuntarily due to child abuse or neglect;  
8 providing for the application of this Act; and generally relating to child abuse  
9 and neglect and referral to family planning counseling and services.

10 BY adding to

11 Article – Family Law  
12 Section 5–323.1 and 5–715  
13 Annotated Code of Maryland  
14 (2006 Replacement Volume and 2008 Supplement)

15 BY repealing and reenacting, without amendments,

16 Article – Family Law  
17 Section 5–714(e)  
18 Annotated Code of Maryland  
19 (2006 Replacement Volume and 2008 Supplement)

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

22 **Article – Family Law**

23 **5–323.1.**

24 **WHEN THE PARENTAL RIGHTS OF AN INDIVIDUAL ARE TERMINATED**  
25 **INVOLUNTARILY DUE TO CHILD ABUSE OR NEGLECT UNDER § 5–323 OF THIS**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



**SUBTITLE, THE DEPARTMENT SHALL REFER THE INDIVIDUAL TO FAMILY PLANNING COUNSELING AND SERVICES THAT ARE NOT OFFERED OR CONDUCTED IN A MANNER THAT:**

**(1) IS COERCIVE;**

**(2) VIOLATES THE INDIVIDUAL'S CONFIDENTIALITY; OR**

**(3) VIOLATES THE INDIVIDUAL'S BONA FIDE RELIGIOUS BELIEFS AND PRACTICES.**

**5-714.**

(e) (1) The Department or a local department may identify an individual as responsible for abuse or neglect in a central registry only if the individual:

(i) has been found guilty of any criminal charge arising out of the alleged abuse or neglect; or

(ii) has been found responsible for indicated abuse or neglect and has:

1. unsuccessfully appealed the finding in accordance with the procedures established under § 5-706.1 of this subtitle; or

2. failed to exercise the individual's appeal rights within the time frames specified in § 5-706.1 of this subtitle, Title 10, Subtitle 2 of the State Government Article, or the Maryland Rules.

(2) The Department without the necessity of a request shall remove from the name of an individual described in paragraph (1) of this subsection the identification of that individual as responsible for abuse or neglect if no entry has been made for that individual for 7 years after the entry of the individual's name in a registry.

**5-715.**

**WHEN AN INDIVIDUAL IS IDENTIFIED AS RESPONSIBLE FOR ABUSE OR NEGLECT IN A CENTRAL REGISTRY AS DESCRIBED IN § 5-714(E) OF THIS SUBTITLE, THE DEPARTMENT SHALL REFER THE INDIVIDUAL TO FAMILY PLANNING COUNSELING AND SERVICES THAT ARE NOT OFFERED OR CONDUCTED IN A MANNER THAT:**

**(1) IS COERCIVE;**

**(2) VIOLATES THE INDIVIDUAL'S CONFIDENTIALITY; OR**

1                   **(3) VIOLATES THE INDIVIDUAL’S BONA FIDE RELIGIOUS BELIEFS**  
2 **AND PRACTICES.**

3           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply only  
4 to identifications of individuals as responsible for child abuse or neglect in a central  
5 registry or terminations of parental rights due to child abuse or neglect occurring on or  
6 after the effective date of this Act.

7           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2009.