

HOUSE BILL 428

D4, O4

3lr2068

By: **Delegates K. Kelly, Dumais, and Simmons**

Introduced and read first time: January 28, 2013

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Child Abuse and Neglect – Reports and Records – Disclosure to Public**
3 **Institutions of Higher Education**

4 FOR the purpose of authorizing the disclosure of a report or record of child abuse or
5 neglect to the presidents of certain public higher education institutions or the
6 Chancellor of the University System of Maryland for certain purposes if the
7 abuse was committed under certain circumstances; and generally relating to
8 disclosure of reports and records of child abuse and neglect.

9 BY repealing and reenacting, without amendments,
10 Article – Human Services
11 Section 1–202(a)
12 Annotated Code of Maryland
13 (2007 Volume and 2012 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Human Services
16 Section 1–202(c)
17 Annotated Code of Maryland
18 (2007 Volume and 2012 Supplement)

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

21 **Article – Human Services**

22 1–202.

23 (a) Except as otherwise provided in Title 5, Subtitles 7 and 12 of the Family
24 Law Article, § 1–203 of this subtitle, and this section, a person may not disclose a
25 report or record concerning child abuse or neglect.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) A report or record concerning child abuse or neglect:

2 (1) may be disclosed on request to:

3 (i) personnel of the Social Services Administration or a local
4 department of social services, law enforcement personnel, and members of
5 multidisciplinary case consultation teams, including an addiction specialist as defined
6 in Title 5, Subtitle 12 of the Family Law Article or § 5-314 of this article, who are
7 investigating a report of known or suspected child abuse or neglect or providing
8 services to or assessing a child or family that is the subject of the report;

9 (ii) local or State officials responsible for the administration of
10 child protective services, or child care, foster care, or adoption licensing, approval, or
11 regulations, as necessary to carry out their official functions;

12 (iii) the State Council on Child Abuse and Neglect or its
13 designee, the State Citizens Review Board for Children or its designee, or a child
14 fatality review team, as necessary to carry out their official functions;

15 (iv) a person who is the alleged abuser or neglector, if that
16 person is responsible for the child's welfare and provisions are made for the protection
17 of the identity of the reporter or any other person whose life or safety is likely to be
18 endangered by disclosing the information;

19 (v) a licensed practitioner who, or an agency, institution, or
20 program that, is providing treatment or care to a child who is the subject of a report of
21 child abuse or neglect for a purpose relevant to the treatment or care;

22 (vi) a parent or other person who has permanent or temporary
23 care and custody of the child, if provisions are made for the protection of the identity of
24 the reporter or any other person whose life or safety is likely to be endangered by
25 disclosing the information;

26 (vii) 1. the appropriate public school superintendent or the
27 principal or equivalent employee of a nonpublic school that holds a certificate of
28 approval from the State or is registered with the State Department of Education to
29 carry out appropriate personnel or administrative actions following a report of
30 suspected child abuse involving a student committed by:

31 A. a public school employee in that school system;

32 B. an employee of that nonpublic school;

33 C. an independent contractor who supervises or works
34 directly with students in that school system or that nonpublic school; or

1 D. an employee of an independent contractor, including a
2 bus driver or bus assistant, who supervises or works directly with students in that
3 school system or that nonpublic school; and

4 2. if the report concerns suspected child abuse involving
5 a student committed by an employee, independent contractor, or employee of an
6 independent contractor described in item 1 of this item and employed by a nonpublic
7 school under the jurisdiction of the superintendent of schools for the Archdiocese of
8 Baltimore, the Archdiocese of Washington, or the Catholic Diocese of Wilmington, the
9 appropriate superintendent of schools;

10 (viii) the director of a licensed child care facility or licensed child
11 placement agency to carry out appropriate personnel actions following a report of
12 suspected child abuse or neglect alleged to have been committed by an employee of the
13 facility or agency and involving a child who is currently or was previously under the
14 care of that facility or agency;

15 (ix) the Juvenile Justice Monitoring Unit of the Office of the
16 Attorney General established under Title 6, Subtitle 4 of the State Government
17 Article; [or]

18 (x) subject to subsection (d) of this section, a licensed
19 practitioner of a hospital or birthing center to make discharge decisions concerning a
20 child, when the practitioner suspects that the child may be in danger after discharge
21 based on the practitioner's observation of the behavior of the child's parents or
22 immediate family members; [and] OR

23 **(XI) THE PRESIDENT OF A PUBLIC SENIOR HIGHER**
24 **EDUCATION INSTITUTION, AS DEFINED IN § 10-101 OF THE EDUCATION**
25 **ARTICLE, OR THE CHANCELLOR OF THE UNIVERSITY SYSTEM OF MARYLAND,**
26 **TO CARRY OUT APPROPRIATE PERSONNEL OR ADMINISTRATIVE ACTIONS**
27 **FOLLOWING A REPORT OF CHILD ABUSE COMMITTED:**

28 1. BY A CURRENT OR FORMER EMPLOYEE OF THE
29 INSTITUTION;

30 2. BY A CONTRACTOR, AN EMPLOYEE OF A
31 CONTRACTOR, OR A VOLUNTEER OF THE INSTITUTION WHO HAS ON-CAMPUS
32 CONTACT WITH CHILDREN;

33 3. IN CONNECTION WITH A PROGRAM, A CAMP, OR
34 ANOTHER ACTIVITY SPONSORED, RECOGNIZED, OR APPROVED BY THE
35 INSTITUTION; OR

36 4. ON INSTITUTION PROPERTY; AND

1 (2) may be disclosed by the Department of Human Resources to the
2 operator of a child care center that is required to be licensed or to hold a letter of
3 compliance under Title 5, Subtitle 5, Part VII of the Family Law Article or to a family
4 child care provider who is required to be registered under Title 5, Subtitle 5, Part V of
5 the Family Law Article, to determine the suitability of an individual for employment
6 in the child care center or family child care home.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2013.