

SENATE BILL 609

P1, D4

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CF 5lr2098

By: **Senators Brochin, Benson, Guzzone, Kelley, Lee, Madaleno, Manno, McFadden, Montgomery, Pinsky, Raskin, and Rosapepe**

Introduced and read first time: February 6, 2015

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Office of the Child Welfare Ombudsman – Establishment**

3 FOR the purpose of establishing the Office of the Child Welfare Ombudsman in the Office
4 of the Attorney General; providing for the purpose and staffing of the Office;
5 providing for the appointment, qualifications, term, and salary of the Child Welfare
6 Ombudsman; requiring the Ombudsman to be a full-time State employee;
7 authorizing the Attorney General to remove the Ombudsman under certain
8 circumstances; providing that the Office shall include certain staff; authorizing the
9 Ombudsman to appoint and employ certain staff and hire or contract with certain
10 experts; requiring the Ombudsman, under certain circumstances, to use the services
11 and personnel of certain units; requiring certain units, under certain circumstances,
12 to cooperate with the Ombudsman; requiring the Attorney General and the Secretary
13 of Budget and Management to set minimum salaries, qualifications, and certain
14 standards for positions in the Office; requiring that the budget for the Office be part
15 of the budget of the Office of the Attorney General; providing that the salaries of
16 certain staff and certain expenses must be provided for in the State budget; providing
17 that certain personnel are subject to certain provisions of law; establishing certain
18 procedures regarding certain salaries; establishing the duties and powers of the
19 Office and the Ombudsman; establishing certain complaint policies and procedures;
20 requiring the local departments of social services to include certain information
21 relating to the complaint procedures in the records of certain children; requiring the
22 Ombudsman to treat certain complaints as confidential, to protect the identities of
23 certain persons involved in the complaint, and to establish certain response times
24 and safety measures; requiring the Office to provide certain training to certain
25 individuals and inform certain children of certain information; exempting from
26 disclosure under the Maryland Public Information Act records related to certain
27 complaints; requiring the Ombudsman to submit certain reports to the Governor,
28 Secretary of Budget and Management, the Secretary of Human Resources, the
29 Citizens Review Board for Children, the State Council on Child Abuse and Neglect,
30 and the General Assembly; requiring the Ombudsman to remove certain information

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 before submitting certain reports; prohibiting a person from certain willful
2 interference and discriminatory and retaliatory acts relating to complaints filed with
3 the Office; establishing certain penalties; defining certain terms; and generally
4 relating to the Office of the Child Welfare Ombudsman.

5 BY adding to

6 Article – State Government

7 Section 6–501 through 6–511 to be under the new subtitle “Subtitle 5. Office of the
8 Child Welfare Ombudsman”

9 Annotated Code of Maryland

10 (2014 Replacement Volume)

11 Preamble

12 WHEREAS, Child abuse and neglect is a serious and reprehensible problem in
13 society; and

14 WHEREAS, The protection of children from abuse and neglect by applying
15 prevention measures and observing best practices in treating children who are abused and
16 neglected must be one of Maryland’s highest public policy priorities; and

17 WHEREAS, The child welfare system must protect and serve Maryland’s children in
18 a manner that keeps them safe and healthy and promotes their well-being; and

19 WHEREAS, The children and families served by the child welfare system, as well as
20 the public, must have a high level of confidence that the system will act in a child’s best
21 interests and will respond to the child’s needs in a timely and professional manner; and

22 WHEREAS, To engender this high level of confidence in the child welfare system, it
23 is important that children and families who become involved in the system, mandatory
24 reporters, and the general public have a well-publicized, easily accessible, and transparent
25 complaint process for voicing concerns regarding the child welfare system along with the
26 expectation that those concerns, once voiced, will be heard and addressed in a timely and
27 appropriate manner; and

28 WHEREAS, To improve child welfare outcomes and to foster best practices, there
29 must be effective accountability mechanisms, including the review and evaluation of
30 concerns voiced by children and families, mandatory reporters, persons involved in the
31 child welfare system, and members of the general public, that provide policymakers with
32 the information necessary to formulate systemic changes, where appropriate; now,
33 therefore,

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

36 Article – State Government

SUBTITLE 5. OFFICE OF THE CHILD WELFARE OMBUDSMAN.

6-501.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "CUSTODY" MEANS:

(1) PHYSICAL OR LEGAL CUSTODY OF A CHILD; OR

(2) THE RESPONSIBILITY CREATED BY LAW OR A COURT ORDER FOR THE CARE OF A CHILD.

(C) "DEPARTMENT" MEANS THE DEPARTMENT OF HUMAN RESOURCES.

(D) "LOCAL DEPARTMENT" MEANS:

(1) A LOCAL DEPARTMENT OF SOCIAL SERVICES; OR

(2) IN MONTGOMERY COUNTY, THE COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES.

(E) "OFFICE" MEANS THE OFFICE OF THE CHILD WELFARE OMBUDSMAN IN THE OFFICE OF THE ATTORNEY GENERAL.

(F) "OMBUDSMAN" MEANS THE CHILD WELFARE OMBUDSMAN.

(G) "SECRETARY" MEANS THE SECRETARY OF HUMAN RESOURCES.

6-502.

(A) THERE IS AN OFFICE OF THE CHILD WELFARE OMBUDSMAN IN THE OFFICE OF THE ATTORNEY GENERAL.

(B) THE PURPOSE OF THE OFFICE IS TO INVESTIGATE AND DETERMINE WHETHER:

(1) THE NEEDS OF CHILDREN AND FAMILIES UNDER THE JURISDICTION OF THE DEPARTMENT OR A LOCAL DEPARTMENT ARE BEING MET IN COMPLIANCE WITH STATE LAW;

1 (2) THE RIGHTS OF CHILDREN AND FAMILIES ARE BEING UPHELD;
2 AND

3 (3) THE CHILDREN ARE NOT BEING ABUSED OR NEGLECTED.

4 **6-503.**

5 (A) (1) WITH THE ADVICE AND CONSENT OF THE SENATE AND INPUT
6 FROM CURRENT OR FORMER FOSTER CHILDREN, SUBJECT TO PARAGRAPH (2) OF
7 THIS SUBSECTION, THE ATTORNEY GENERAL SHALL APPOINT THE CHILD WELFARE
8 OMBUDSMAN.

9 (2) THE OMBUDSMAN SHALL:

10 (I) HAVE BEEN ADMITTED TO PRACTICE LAW IN THE STATE;
11 AND

12 (II) HAVE AT LEAST 5 YEARS OF EXPERIENCE IN CHILD
13 WELFARE.

14 (B) (1) THE TERM OF THE OMBUDSMAN IS 5 YEARS.

15 (2) AT THE END OF A TERM, THE OMBUDSMAN CONTINUES TO SERVE
16 UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

17 (3) AN OMBUDSMAN WHO IS APPOINTED AFTER A TERM BEGINS
18 SERVES FOR THE REMAINDER OF THE TERM UNTIL A SUCCESSOR IS APPOINTED AND
19 QUALIFIES.

20 (C) BEFORE TAKING OFFICE, THE OMBUDSMAN SHALL TAKE THE OATH
21 REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.

22 (D) THE OMBUDSMAN SHALL BE A FULL-TIME STATE EMPLOYEE.

23 (E) THE OMBUDSMAN IS ENTITLED TO AN ANNUAL SALARY AS PROVIDED
24 FOR IN THE STATE BUDGET.

25 (F) THE ATTORNEY GENERAL MAY REMOVE THE CHILD WELFARE
26 OMBUDSMAN FOR GOOD CAUSE SHOWN AFTER NOTICE AND AN OPPORTUNITY TO BE
27 HEARD.

28 **6-504.**

1 (A) THE OFFICE SHALL INCLUDE:

2 (1) A FULL-TIME OMBUDSMAN; AND

3 (2) STAFF, INCLUDING ASSISTANT OMBUDSMEN, AS ALLOWED FOR IN
4 THE STATE BUDGET.

5 (B) (1) THE OMBUDSMAN MAY APPOINT AND EMPLOY THE
6 PROFESSIONAL, INVESTIGATIVE, AND CLERICAL STAFF PROVIDED FOR IN THE
7 STATE BUDGET.

8 (2) THE OMBUDSMAN, AS NECESSARY, MAY HIRE OR CONTRACT WITH
9 EXPERTS IN THE FIELD OF CHILD WELFARE.

10 (C) (1) TO THE EXTENT PRACTICABLE, THE OMBUDSMAN SHALL USE THE
11 SERVICES AND PERSONNEL OF:

12 (I) THE OFFICE OF THE ATTORNEY GENERAL;

13 (II) THE DEPARTMENT OF STATE POLICE; AND

14 (III) OTHER STATE AND LAW ENFORCEMENT UNITS.

15 (2) THE UNITS LISTED IN PARAGRAPH (1) OF THIS SUBSECTION
16 SHALL COOPERATE, TO THE EXTENT PRACTICABLE, WITH THE OMBUDSMAN AND
17 THE OMBUDSMAN'S STAFF.

18 (D) IN COOPERATION WITH THE SECRETARY OF BUDGET AND
19 MANAGEMENT, THE ATTORNEY GENERAL SHALL SET MINIMUM SALARIES,
20 QUALIFICATIONS, AND STANDARDS OF TRAINING AND EXPERIENCE FOR POSITIONS
21 IN THE OFFICE.

22 **6-505.**

23 (A) THE BUDGET OF THE OMBUDSMAN AND THE OFFICE SHALL BE A PART
24 OF THE BUDGET OF THE OFFICE OF THE ATTORNEY GENERAL.

25 (B) SALARIES OF THE OMBUDSMAN AND ASSISTANT OMBUDSMEN AND
26 EXPENSES FOR RENT, EQUIPMENT, SUPPLIES, AND GENERAL OPERATING EXPENSES
27 NECESSARY FOR THE WORK OF THE OFFICE SHALL BE AS PROVIDED IN THE STATE
28 BUDGET.

1 **(C) THE GOVERNOR SHALL PROVIDE IN THE STATE BUDGET SUFFICIENT**
2 **MONEY FOR THE OFFICE TO HIRE NECESSARY STAFF.**

3 **(D) IF THE BUDGET FOR THE OFFICE IS INSUFFICIENT TO ALLOW THE**
4 **OFFICE TO PERFORM THE DUTIES OF THE OFFICE, THE OMBUDSMAN MAY APPLY TO**
5 **THE BOARD OF PUBLIC WORKS FOR ADDITIONAL MONEY FROM THE GENERAL**
6 **EMERGENCY FUND.**

7 **6-506.**

8 **(A) EXCEPT AS PROVIDED IN SUBSECTION (B) IN THIS SECTION, OR AS**
9 **OTHERWISE PROVIDED BY LAW, ALL PERSONNEL OF THE OFFICE ARE SUBJECT TO**
10 **THE PROVISIONS OF THE STATE PERSONNEL AND PENSIONS ARTICLE.**

11 **(B) THE COMPENSATION OF THE FOLLOWING PERSONNEL SHALL BE**
12 **DETERMINED BY THE OMBUDSMAN AND, IF POSSIBLE, IN ACCORDANCE WITH THE**
13 **STATE PAY PLAN:**

14 **(1) ASSISTANT OMBUDSMAN;**

15 **(2) ATTORNEYS THAT ARE SPECIAL APPOINTEES OR IN THE**
16 **MANAGEMENT SERVICE; AND**

17 **(3) ALL POSITIONS IN MANAGEMENT, PROFESSIONAL, AND SKILLED**
18 **SERVICE CLASSIFICATIONS UNIQUE TO THE OFFICE.**

19 **(C) (1) AT LEAST 45 DAYS BEFORE THE EFFECTIVE DATE OF A CHANGE IN**
20 **SALARY PLAN, THE OMBUDSMAN SHALL SUBMIT TO THE SECRETARY OF BUDGET**
21 **AND MANAGEMENT EACH CHANGE THAT INVOLVES AN INCREASE OR A DECREASE IN**
22 **SALARY RANGES OTHER THAN THOSE ASSOCIATED WITH ROUTINE CLASSIFICATIONS**
23 **AND PROMOTIONS OR GENERAL SALARY INCREASES APPROVED BY THE GENERAL**
24 **ASSEMBLY.**

25 **(2) THE SECRETARY OF BUDGET AND MANAGEMENT SHALL:**

26 **(I) REVIEW THE PROPOSED CHANGES; AND**

27 **(II) AT LEAST 15 DAYS BEFORE THE EFFECTIVE DATE OF THE**
28 **PROPOSED CHANGES, ADVISE THE OMBUDSMAN WHETHER THE CHANGES WOULD**
29 **HAVE AN ADVERSE EFFECT ON COMPARABLE STATE JOBS.**

1 **(3) FAILURE OF THE SECRETARY TO RESPOND IN A TIMELY MANNER**
2 **MAY NOT BE CONSIDERED A STATEMENT OF ADVERSE EFFECT UNDER PARAGRAPH**
3 **(2)(II) OF THIS SUBSECTION.**

4 **(D) ON OR BEFORE JANUARY 31 OF EACH YEAR, THE OMBUDSMAN SHALL**
5 **REPORT TO THE SECRETARY OF BUDGET AND MANAGEMENT AND, IN ACCORDANCE**
6 **WITH § 2-1246 OF THIS ARTICLE, TO THE GENERAL ASSEMBLY ALL PERSONNEL**
7 **POSITIONS, CLASSIFICATIONS, AND SALARIES IN THE OFFICE AS OF THE END OF THE**
8 **IMMEDIATELY PRECEDING CALENDAR YEAR.**

9 **6-507.**

10 **THE OFFICE SHALL:**

11 **(1) IDENTIFY, RECEIVE, INVESTIGATE, AND SEEK THE RESOLUTION**
12 **OR REFERRAL OF COMPLAINTS MADE BY OR ON BEHALF OF A CHILD INVOLVED IN**
13 **CHILD IN NEED OF ASSISTANCE CASES CONCERNING ANY ACT, OMISSION, PRACTICE,**
14 **POLICY, OR PROCEDURE OF A STATE OR LOCAL AGENCY OR ANY PERSON WORKING**
15 **ON BEHALF OF THE AGENCY THAT MAY ADVERSELY AFFECT THE HEALTH, SAFETY,**
16 **OR WELFARE OF THE CHILD;**

17 **(2) INSPECT AND REVIEW THE OPERATION, POLICIES, AND**
18 **PROCEDURES OF FOSTER CARE HOMES, GROUP HOMES, KINSHIP CARE HOMES,**
19 **RESIDENTIAL TREATMENT FACILITIES, SHELTERS FOR THE CARE OF ABUSED OR**
20 **NEGLECTED CHILDREN, AND INDEPENDENT LIVING ARRANGEMENTS OPERATED,**
21 **LICENSED, OR APPROVED FOR PAYMENT BY THE DEPARTMENT OR A LOCAL**
22 **DEPARTMENT OR USED BY THE DEPARTMENT OR BY A LOCAL DEPARTMENT FOR THE**
23 **CARE OF CHILDREN IN ITS CUSTODY;**

24 **(3) REVIEW, EVALUATE, REPORT, AND MAKE RECOMMENDATIONS TO**
25 **A STATE OR LOCAL AGENCY CONCERNING PROCEDURES ESTABLISHED BY THE**
26 **AGENCY TO PROVIDE SERVICES TO CHILDREN AND FAMILIES THAT ARE AT RISK OF**
27 **ABUSE OR NEGLECT, CHILDREN IN STATE OR INSTITUTIONAL CUSTODY, OR**
28 **CHILDREN AND FAMILIES WHO RECEIVE CHILD PROTECTIVE KINSHIP CARE OR**
29 **FOSTER CARE SERVICES;**

30 **(4) RECEIVE, INVESTIGATE, AND MAKE REFERRALS TO OTHER STATE**
31 **OR LOCAL AGENCIES, OR TAKE OTHER APPROPRIATE ACTIONS WITH RESPECT TO A**
32 **COMPLAINT RECEIVED BY THE OFFICE REGARDING THE ACTIONS OF THE**
33 **DEPARTMENT OR A LOCAL DEPARTMENT OR A STATE-FUNDED PRIVATE ENTITY**
34 **THAT PROVIDES SERVICES TO CHILDREN AND FAMILIES WHO ARE AT RISK OF ABUSE**
35 **OR NEGLECT, CHILDREN IN STATE OR INSTITUTIONAL CUSTODY, OR CHILDREN AND**

1 FAMILIES WHO RECEIVE CHILD PROTECTIVE, KINSHIP CARE OR FOSTER CARE
2 SERVICES;

3 (5) ESTABLISH AND MAINTAIN A 24-HOUR TOLL-FREE TELEPHONE
4 HELPLINE AND WEB SITE TO RECEIVE AND RESPOND TO CALLS FROM CITIZENS
5 REGARDING THE WELFARE OF CHILDREN IN THE STATE;

6 (6) CONDUCT UNANNOUNCED SITE VISITS AT REASONABLE TIMES
7 AND IN A REASONABLE MANNER TO ANY INSTITUTION OR FACILITY TO WHICH
8 CHILDREN ARE COMMITTED OR PLACED, IF:

9 (I) THE OMBUDSMAN, BEFORE CONDUCTING AN
10 UNANNOUNCED SITE VISIT, HAS INITIATED AN INVESTIGATION INTO THE RESPONSE
11 OR DISPOSITION OF AN ALLEGATION OF ABUSE OR NEGLECT AT THE INSTITUTION
12 OR FACILITY; AND

13 (II) THERE IS A REASONABLE BASIS TO BELIEVE THAT AN
14 UNANNOUNCED SITE VISIT IS NECESSARY TO CARRY OUT THE OMBUDSMAN'S
15 RESPONSIBILITIES UNDER THIS SUBTITLE;

16 (7) CONSULT WITH ANY APPROPRIATE STATE OR COUNTY AGENCY OR
17 STATE-FUNDED PRIVATE ENTITY PROVIDING CHILD WELFARE SERVICES TO
18 CHILDREN, AND MAY REQUEST FROM ANY SUCH ENTITY, AND THE ENTITY IS HEREBY
19 AUTHORIZED AND DIRECTED TO PROVIDE, SUCH COOPERATION AND ASSISTANCE AS
20 WILL ENABLE THE CHILD ADVOCATE TO PROPERLY PERFORM ITS RESPONSIBILITIES
21 UNDER THIS SECTION; AND

22 (8) ESTABLISH AND IMPLEMENT PROCEDURES FOR RECEIVING,
23 PROCESSING, RESPONDING TO, AND RESOLVING COMPLAINTS MADE BY OR ON
24 BEHALF OF CHILDREN WHO ARE RECIPIENTS OF THE SERVICES OF THE LOCAL
25 DEPARTMENTS, AS PROVIDED FOR IN § 6-509 OF THIS SUBTITLE.

26 6-508.

27 (A) THE OMBUDSMAN MAY:

28 (1) REVIEW AND COPY RELEVANT LAWS, POLICIES, PROCEDURES,
29 AND DEPARTMENT AND LOCAL DEPARTMENT RECORDS AND REPORTS, INCLUDING
30 RECORDS RELATING TO AN INDIVIDUAL CHILD;

31 (2) CONDUCT INTERVIEWS WITH STAFF, CHILDREN, AND OTHERS;

1 **(3) ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE AND TESTIMONY**
2 **OF WITNESSES OR THE PRODUCTION OF BOOKS, PAPERS, AND OTHER DOCUMENTS;**

3 **(4) ADMINISTER OATHS TO WITNESSES IN ANY MATTER UNDER**
4 **INVESTIGATION IN THE OFFICE; AND**

5 **(5) IF THE OMBUDSMAN CONSIDERS THAT LEGISLATION WOULD**
6 **AFFECT THE INTERESTS OF PERSONS UNDER ITS JURISDICTION, RECOMMEND THE**
7 **LEGISLATION TO THE GENERAL ASSEMBLY.**

8 **(B) (1) IF A PERSON TO WHOM A SUBPOENA IS ISSUED UNDER**
9 **SUBSECTION (A)(3) OF THIS SECTION FAILS TO APPEAR OR, HAVING APPEARED,**
10 **REFUSES TO GIVE TESTIMONY, OR FAILS TO PRODUCE THE BOOKS, PAPERS, OR**
11 **OTHER DOCUMENTS REQUIRED, THE OMBUDSMAN MAY APPLY TO THE**
12 **APPROPRIATE CIRCUIT COURT FOR RELIEF.**

13 **(2) THE APPROPRIATE COURT MAY ORDER THE PERSON TO APPEAR**
14 **AND GIVE TESTIMONY OR PRODUCE THE BOOKS, PAPERS, OR OTHER DOCUMENTS,**
15 **AS APPLICABLE.**

16 **6-509.**

17 **(A) A CHILD WHO IS A RECIPIENT OF THE SERVICES OF THE DEPARTMENT**
18 **OR A LOCAL DEPARTMENT OR A CHILD IDENTIFIED AS A CHILD IN NEED OF**
19 **ASSISTANCE UNDER TITLE 3, SUBTITLE 8 OF THE COURTS ARTICLE MAY FILE A**
20 **COMPLAINT WITH THE OMBUDSMAN:**

21 **(1) BY CALLING THE OMBUDSMAN'S 24-HOUR TOLL-FREE HELPLINE;**

22 **(2) BY FILING THE COMPLAINT ELECTRONICALLY WITH THE OFFICE;**

23 **(3) BY MEETING IN PERSON WITH STAFF FROM THE OFFICE;**

24 **(4) THROUGH AN ADULT REPRESENTING THE CHILD'S INTERESTS; OR**

25 **(5) BY ANY OTHER REASONABLE MEANS ESTABLISHED BY THE**
26 **OMBUDSMAN.**

27 **(B) THE COMPLAINT PROCESS SHALL BE CONFIDENTIAL, EXPEDIENT, AND**
28 **RESPONSIVE TO THE CHILD'S PERCEPTION OF SAFETY ISSUES AND THE CHILD'S**
29 **EMOTIONAL NEEDS.**

1 **(F) THE OFFICE SHALL PROVIDE TRAINING ON COMPLAINT POLICIES AND**
2 **PROCEDURES TO ALL LOCAL DEPARTMENT CASEWORKERS, ATTORNEYS FOR**
3 **CHILDREN, OUT-OF-HOME PLACEMENT PROVIDERS, COURT-APPOINTED SPECIAL**
4 **ADVOCATES, JUDICIAL OFFICERS, AND OTHER PROFESSIONALS WORKING WITH**
5 **CHILDREN THROUGH THEIR CHILD IN NEED OF ASSISTANCE CASES AS PART OF**
6 **THEIR EMPLOYMENT ORIENTATION AND CONTINUING PROFESSIONAL**
7 **DEVELOPMENT.**

8 **(G) (1) ON CONCLUSION OF AN INVESTIGATION UNDER THIS SECTION,**
9 **THE OFFICE SHALL INFORM THE CHILD, IN A DEVELOPMENTALLY APPROPRIATE**
10 **MANNER, OF THE OUTCOME OF THE INVESTIGATION.**

11 **(2) IF THE OUTCOME OF THE INVESTIGATION ENTAILS SITE VISITS**
12 **WITH THE CHILD FOR A SPECIFIED PERIOD OF TIME, THE CHILD SHALL BE**
13 **INFORMED OF THE SCOPE AND INTENT OF THIS FOLLOW-UP PROCESS.**

14 **(H) (1) EXCEPT AS PROVIDED UNDER PARAGRAPH (2) OF THIS**
15 **SUBSECTION, THE OMBUDSMAN SHALL TREAT ALL COMPLAINTS RECEIVED UNDER**
16 **SUBSECTION (A) OF THIS SECTION AS CONFIDENTIAL, INCLUDING THE IDENTITIES**
17 **OF COMPLAINANTS AND INDIVIDUALS FROM WHOM INFORMATION IS ACQUIRED.**

18 **(2) THE OMBUDSMAN MAY DISCLOSE INFORMATION AS NECESSARY**
19 **TO ENABLE THE OMBUDSMAN TO PERFORM THE OMBUDSMAN'S DUTIES AND TO**
20 **SUPPORT ANY RECOMMENDATIONS RESULTING FROM AN INVESTIGATION.**

21 **(I) RECORDS RELATING TO COMPLAINTS RECEIVED BY THE OFFICE AND**
22 **THE INVESTIGATION OF COMPLAINTS ARE EXEMPT FROM DISCLOSURE UNDER THE**
23 **PUBLIC INFORMATION ACT.**

24 **6-510.**

25 **(A) THE OFFICE SHALL REPORT IN A TIMELY MANNER TO THE SECRETARY**
26 **AND, IN ACCORDANCE WITH § 2-1246 OF THIS ARTICLE, THE GENERAL ASSEMBLY:**

27 **(1) KNOWLEDGE OF ANY SYSTEMIC OR LIFE-THREATENING**
28 **PROBLEMS AND ANY FINDINGS, ACTIONS, AND RECOMMENDATIONS RELATING TO**
29 **INVESTIGATIONS REGARDING THE CARE, SUPERVISION, AND TREATMENT OF:**

30 **(I) CHILDREN AND FAMILIES WHO ARE AT RISK OF ABUSE OR**
31 **NEGLECT;**

32 **(II) CHILDREN IN DEPARTMENT OR LOCAL DEPARTMENT**
33 **CUSTODY; OR**

1 (III) CHILDREN AND FAMILIES WHO RECEIVE CHILD
2 PROTECTIVE KINSHIP CARE OR FOSTER CARE SERVICES; AND

3 (2) ALL OTHER FINDINGS, ACTIONS, AND RECOMMENDATIONS
4 RELATED TO THE ACTIVITIES REQUIRED UNDER THIS SUBTITLE.

5 (B) (1) THE OFFICE SHALL REPORT QUARTERLY TO THE SECRETARY.

6 (2) A COPY OF THE REPORT SHALL BE PROVIDED TO THE CITIZENS
7 REVIEW BOARD FOR CHILDREN, THE STATE ADVISORY BOARD FOR CHILD ABUSE
8 AND NEGLECT AND, IN ACCORDANCE WITH § 2-1246 OF THIS ARTICLE, THE
9 GENERAL ASSEMBLY.

10 (3) THE REPORT SHALL INCLUDE:

11 (I) ALL ACTIVITIES OF THE OFFICE;

12 (II) ALL COMPLAINTS MADE TO THE OFFICE INCLUDING:

13 1. THE JURISDICTION WHERE THE INCIDENT
14 OCCURRED;

15 2. THE JURISDICTION THAT HAS CARE AND CUSTODY OF
16 THE CHILD IN NEED OF ASSISTANCE WHOSE CASE IS BEING REVIEWED;

17 3. THE NATURE OF THE COMPLAINT;

18 4. THE DISPOSITION OF THE COMPLAINT;

19 5. WHAT, IF ANY, FOLLOW-UP ACTION THE OFFICE TOOK
20 AND WHY;

21 6. THE CHILD'S PLACEMENT; AND

22 7. DEMOGRAPHIC INFORMATION ABOUT THE CHILD
23 INCLUDING AGE, GENDER IDENTITY, RACE, AND ETHNICITY;

24 (III) ACTIONS TAKEN BY THE DEPARTMENT OR A LOCAL
25 DEPARTMENT RESULTING FROM THE FINDINGS AND RECOMMENDATIONS OF THE
26 OFFICE, INCLUDING THE RESPONSE BY THE DEPARTMENT OR LOCAL DEPARTMENT;
27 AND

1 (IV) A SUMMARY OF ANY VIOLATIONS OF THE STANDARDS AND
2 REGULATIONS OF THE DEPARTMENT THAT REMAINED UNABATED FOR 30 DAYS OR
3 MORE DURING THE REPORTING PERIOD.

4 (C) ON OR BEFORE NOVEMBER 30 OF EACH YEAR, THE OFFICE SHALL
5 REPORT TO THE SECRETARY, THE CITIZENS REVIEW BOARD FOR CHILDREN, THE
6 STATE COUNCIL ON CHILD ABUSE AND NEGLECT, THE GOVERNOR, AND, IN
7 ACCORDANCE WITH § 2-1246 OF THIS ARTICLE, THE GENERAL ASSEMBLY ON ALL
8 THE ACTIVITIES OF THE OFFICE AND THE ACTIONS TAKEN BY THE DEPARTMENT IN
9 RESPONSE TO FINDINGS AND RECOMMENDATIONS OF THE OFFICE.

10 (D) BEFORE SUBMITTING A REPORT UNDER SUBSECTION (B) OR (C) OF THIS
11 SECTION, THE OFFICE SHALL REMOVE ANY IDENTIFYING INFORMATION AS
12 NECESSARY TO PROTECT THE PRIVACY OF THE CHILD AND THE CHILD'S FAMILY.

13 **6-511.**

14 (A) A PERSON MAY NOT:

15 (1) DISCRIMINATE OR RETALIATE IN ANY MANNER AGAINST ANY
16 PERSON FOR:

17 (I) FILING A COMPLAINT UNDER THIS SUBTITLE; OR

18 (II) PROVIDING INFORMATION TO AN ADVOCATE OF A CHILD IN
19 GOOD FAITH; OR

20 (2) WILLFULLY INTERFERE WITH AN ADVOCATE OF A CHILD IN THE
21 PERFORMANCE OF THE ADVOCATE'S OFFICIAL DUTIES.

22 (B) ANY PERSON IN VIOLATION OF SUBSECTION (A) OF THIS SECTION IS
23 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT
24 EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 5 YEARS OR BOTH.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2015.