

SENATE BILL 31

D4
SB 12/15 – JPR

(PRE-FILED)

6lr0877
CF HB 7

By: **Senator DeGrange**

Requested: October 7, 2015

Introduced and read first time: January 13, 2016

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Child Abuse and Neglect – Expungement of Reports and Records –**
3 **Time Period**

4 FOR the purpose of requiring a local department of social services to maintain certain
5 reports of suspected abuse or neglect and all assessments and investigative findings
6 for certain periods of time; altering the time period after which a local department is
7 required to expunge certain reports and records of suspected child abuse and neglect;
8 and generally relating to reports of child abuse and neglect.

9 BY repealing and reenacting, with amendments,
10 Article – Family Law
11 Section 5–707
12 Annotated Code of Maryland
13 (2012 Replacement Volume and 2015 Supplement)

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

16 **Article – Family Law**

17 5–707.

18 (a) Subject to federal and State law, the Administration shall provide by
19 regulation adopted in accordance with Title 10, Subtitle 1 of the State Government Article:

20 (1) procedures for protecting the confidentiality of reports and records
21 made in accordance with this subtitle;

22 (2) conditions under which information may be released;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) conditions for determining in cases whether abuse, neglect, or sexual
2 abuse is indicated, ruled out, or unsubstantiated; and

3 (4) procedures for the appeal processes provided in this subtitle.

4 (b) (1) **[The] UNLESS AN INVESTIGATION UNDER § 5-706 OF THIS**
5 **SUBTITLE FINDS THAT THE REPORT IS INDICATED OR THE LOCAL DEPARTMENT HAS**
6 **RECEIVED ADDITIONAL REPORTS, THE** local department shall **[expunge] MAINTAIN** a
7 report of suspected abuse or neglect and all assessments and investigative findings **FOR AT**
8 **LEAST 5 YEARS AFTER THE DATE OF REFERRAL IF:**

9 [(1)] (I) **[within 5 years after the date of referral if]** the investigation
10 under § 5-706 of this subtitle concludes that the report is unsubstantiated, and no further
11 reports of abuse or neglect are received during the 5 years; **[and] OR**

12 [(2)] (II) **[within 120 days after the date of referral if]** the report is ruled
13 out, and no further reports of abuse or neglect are received during the **[120 days] 5 YEARS.**

14 (2) **THE LOCAL DEPARTMENT SHALL EXPUNGE A REPORT OF**
15 **SUSPECTED ABUSE OR NEGLECT AND ALL ASSESSMENTS AND INVESTIGATIVE**
16 **FINDINGS AFTER THE EXPIRATION OF THE PERIOD ESTABLISHED UNDER**
17 **PARAGRAPH (1) OF THIS SUBSECTION.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2016.