

HOUSE BILL 843

O4, O1

9lr0173

By: **Chair, Judiciary Committee (By Request – Departmental – Human Services)**

Introduced and read first time: February 8, 2019

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 12, 2019

CHAPTER _____

1 AN ACT concerning

2 **Department of Human Services – Child Abuse and Neglect – Disclosure of**
3 **Information**

4 FOR the purpose of authorizing the Department of Human Services to disclose a report or
5 record concerning child abuse or neglect with local or State officials responsible for
6 the administration of juvenile services under certain circumstances; and generally
7 relating to the disclosure of information concerning child abuse and neglect.

8 BY repealing and reenacting, with amendments,
9 Article – Human Services
10 Section 1–202(c)
11 Annotated Code of Maryland
12 (2007 Volume and 2018 Supplement)

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

15 **Article – Human Services**

16 1–202.

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

18 (1) may be disclosed on request to:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

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

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

17 (v) subject to the provisions of subsection (b)(4) of this section, a
18 licensed practitioner who, or an agency, institution, or program that, is providing treatment
19 or care to a child who is the subject of a report of child abuse or neglect for a purpose
20 relevant to the treatment or care;

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

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

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

31 B. an employee of that nonpublic school;

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

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

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

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

12 (ix) the Juvenile Justice Monitoring Unit of the Office of the Attorney
13 General established under Title 6, Subtitle 4 of the State Government Article;

14 (x) subject to subsection (d) of this section, a licensed practitioner of
15 a hospital or birthing center to make discharge decisions concerning a child, when the
16 practitioner suspects that the child may be in danger after discharge based on the
17 practitioner's observation of the behavior of the child's parents or immediate family
18 members; or

19 (xi) the president of a Maryland public institution of higher
20 education, as defined in § 10–101 of the Education Article, or the Chancellor of the
21 University System of Maryland, to carry out appropriate personnel or administrative
22 actions following a report of child abuse committed:

23 1. by an employee of the institution who has on-campus
24 contact with children; or

25 2. by a contractor, an employee of a contractor, or a volunteer
26 of the institution who has on-campus contact with children; and

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

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 2019.