

HOUSE BILL 1209

D4, O4
SB 89/24 – JPR

5lr2753
CF 5lr2758

By: **Delegates McComas and Grammer**

Introduced and read first time: February 6, 2025

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Child Abuse and Neglect – Reports and Records – Disclosure**

3 FOR the purpose of requiring a local director of a local department of social services or the
4 Secretary of Human Services to disclose certain reports and records of child abuse
5 and neglect within a certain period of time if certain conditions are met; requiring
6 the Secretary to notify the State's Attorney's office of a request to disclose certain
7 reports and records of child abuse and neglect; requiring the State's Attorney's office
8 to be given a certain period of time during which the office is authorized to redact
9 certain portions of the reports and records under certain circumstances; requiring
10 the State's Attorney's office, if the office redacts certain information, to notify the
11 local director or the Secretary within a certain period of time after the conclusion of
12 the related investigation or prosecution; and generally relating to the disclosure of
13 reports and records of child abuse and neglect.

14 BY repealing and reenacting, with amendments,
15 Article – Human Services
16 Section 1–203
17 Annotated Code of Maryland
18 (2019 Replacement Volume and 2024 Supplement)

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

21 **Article – Human Services**

22 1–203.

23 (a) (1) In this section the following words have the meanings indicated.

24 (2) “Local department” means the department of social services that has
25 jurisdiction in the county:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (i) where the allegedly abused or neglected child lives; or
2 (ii) if different, where the abuse or neglect is alleged to have taken
3 place.

4 (3) "Local director" means the director of the local department.

5 (4) "Medical report" means a psychological, psychiatric, therapeutic,
6 clinical, or medical report or evaluation related to the allegedly abused or neglected child,
7 a sibling of the child, or another child in the household, family, or care of the alleged abuser
8 or neglecter.

9 (5) "Secretary" means the Secretary of Human Services.

10 (b) (1) Notwithstanding any other provision of law **AND SUBJECT TO**
11 **PARAGRAPHS (2) AND (3) OF THIS SUBSECTION**, the local director or the Secretary shall,
12 **[on] WITHIN 30 DAYS AFTER RECEIVING A** request, disclose information concerning child
13 abuse or neglect **[in accordance with subsection (c) of this section]** if **THE CHILD**:

14 [(i) the information is limited to actions or omissions of the local
15 department, the Department of Human Services, or an agent of the Department of Human
16 Services;

17 (ii) the child named in a report of abuse or neglect has suffered a
18 fatality or near fatality; and

19 (iii) 1. the local director or the Secretary has consulted the State's
20 Attorney's office; and

21 2. the State's Attorney's office has advised the local director
22 or the Secretary that disclosure of the information would not jeopardize or prejudice a
23 related investigation or prosecution.]

24 **(I) WAS IN THE CUSTODY OF A LOCAL OR STATE DEPARTMENT**
25 **OR AGENCY, OR IN THE CARE OF A FOSTER PARENT;**

26 **(II) IS THE SUBJECT OF AN INVESTIGATION, A REPORT, A**
27 **REFERRAL, OR A COMPLAINT RECEIVED BY A LOCAL OR STATE DEPARTMENT OR**
28 **AGENCY; AND**

29 **(III) SUFFERED A FATALITY OR NEAR FATALITY.**

30 **(2) INFORMATION DISCLOSED IN ACCORDANCE WITH PARAGRAPH (1)**
31 **OF THIS SUBSECTION SHALL BE LIMITED TO ACTIONS OR OMISSIONS OF THE LOCAL**

1 DEPARTMENT, THE DEPARTMENT OF HUMAN SERVICES, OR AN AGENT OF THE
2 DEPARTMENT OF HUMAN SERVICES.

3 (3) (I) ON RECEIVING A REQUEST TO DISCLOSE INFORMATION IN
4 ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION, THE SECRETARY
5 PROMPTLY SHALL NOTIFY THE STATE'S ATTORNEY'S OFFICE OF THE REQUEST.

6 (II) THE STATE'S ATTORNEY'S OFFICE SHALL BE ALLOWED 30
7 DAYS AFTER RECEIPT OF THE NOTICE REQUIRED UNDER SUBPARAGRAPH (I) OF
8 THIS PARAGRAPH TO REDACT FROM THE RECORD ANY PORTION OF THE RECORD
9 THAT, IF MADE PUBLIC, WOULD SERIOUSLY HINDER THE ABILITY OF THE STATE'S
10 ATTORNEY'S OFFICE TO PROSECUTE A CRIMINAL CASE ARISING FROM THE
11 INCIDENT.

12 [(2)] (4) (i) If the [local director or the Secretary does not disclose
13 information under paragraph (1) of this subsection because the State's Attorney has
14 advised that disclosure of the information would jeopardize or prejudice a related
15 investigation or prosecution] STATE'S ATTORNEY'S OFFICE REDACTS INFORMATION IN
16 ACCORDANCE WITH PARAGRAPH (3)(II) OF THIS SUBSECTION, the State's Attorney
17 shall notify the local director or the Secretary within 10 days after the conclusion of the
18 related investigation or prosecution.

19 (ii) Within 30 days after notification from the State's Attorney under
20 subparagraph (i) of this paragraph, the local director or the Secretary shall disclose
21 information in accordance with this section.

22 (c) [Before disclosing the information:

23 (1) the local director or the Secretary shall consult the State's Attorney's
24 office; and

25 (2) the local director and the Secretary shall consult each other.

26 (d)] Subject to subsection [(e)] (D) of this section, the local director or the Secretary
27 shall disclose:

28 (1) the name of the allegedly abused or neglected child who has suffered a
29 fatality;

30 (2) the date of the report of the alleged child abuse or neglect and of any
31 prior or subsequent reports;

32 (3) the findings made by the local department at the conclusion of its
33 investigation and the disposition made by the local department based on its findings;

1 (4) any services provided to the alleged abuser or neglecter, the allegedly
2 abused or neglected child, and the household or family members;

3 (5) the number of referrals for professional services for the alleged abuser
4 or neglecter, the allegedly abused or neglected child, and the household or family members;

5 (6) any prior adjudication as a child in need of assistance of the allegedly
6 abused or neglected child, a sibling of the child, or another child in the household, family,
7 or care of the alleged abuser or neglecter;

8 (7) the status of any case involving the child that was open at the time of
9 the fatality or near fatality;

10 (8) a summary of the facts of the fatality or near fatality, including the date
11 of the fatality or near fatality and, in the case of a fatality, the cause of death reported by
12 the medical examiner; and

13 (9) any information concerning the circumstances of the alleged child
14 abuse or neglect and the investigation of the circumstances, if the local director or the
15 Secretary determines that the disclosure is consistent with the public interest.

16 **[(e)] (D)** (1) The local director or the Secretary may not:

17 (i) disclose the identity of or provide an identifying description of
18 the person who made the report;

19 (ii) disclose the name of a child who has suffered a near fatality, a
20 sibling of the allegedly abused or neglected child, a parent of the allegedly abused or
21 neglected child, an individual legally responsible for the child, the alleged abuser or
22 neglecter, or another household or family member;

23 (iii) except as provided in paragraph (2) of this subsection, disclose a
24 medical report; or

25 (iv) except for the information described in subsection **[(d)] (C)** of this
26 section, disclose the file relating to the allegedly abused or neglected child.

27 (2) Notwithstanding Title 4, Subtitle 3 of the Health – General Article, the
28 local director or the Secretary may disclose a medical report related to the cause of the
29 child's injury or death as a result of the alleged abuse or neglect.

30 **[(f)] (E)** In consultation with the local directors, the Secretary shall develop a
31 form for disclosure of the information described in subsection **[(d)] (C)** of this section.

32 **[(g)] (F)** This section does not grant a right to any person to receive the
33 information described in subsection **[(d)] (C)** of this section.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2025.

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1209
Judiciary

(Delegates McComas and Grammer)

Child Abuse and Neglect - Reports and Records - Disclosure

This bill alters statutory provisions that govern, in certain circumstances involving the fatality or near fatality of a child, the disclosure of related reports and records. The bill requires a local director (of a local department of social services) or the Secretary of Human Services to disclose, within 30 days of receiving a request, information concerning child abuse or neglect if the child (1) was in the custody of a local or State department or agency, or in the care of a foster parent; (2) is the subject of an investigation, a report, a referral, or a complaint received by a local/State department or agency; and (3) suffered a fatality or near fatality. Disclosed information under these circumstances remains limited to actions or omissions of the local department, the Department of Human Services (DHS), or an agent of DHS. On receiving a request for disclosure, the Secretary of Human Services must promptly notify the State's Attorney's office. The office must then have 30 days to redact from the record any portion of the record that, if made public, would seriously hinder the ability of the office to prosecute a criminal case arising from the incident.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State finances or operations.

Local Effect: The bill is not anticipated to materially affect local government finances or operations.

Small Business Effect: None.

Analysis

Bill Summary/Current Law: Under current law, generally, reports and records concerning child abuse and neglect are confidential and may not be disclosed unless permitted by one of a number of statutory exceptions.

However, under current law, the director of a local department of social services or the Secretary of Human Services must, on request, disclose information concerning child abuse or neglect if (1) the information is limited to actions or omissions of the local department, DHS, or an agent of DHS; (2) the child named in a report has suffered a fatality or near fatality; and (3) the local director or the Secretary has consulted the State's Attorney's office. Prior to disclosure under these circumstances, the local director or the Secretary must also be advised by the State's Attorney that disclosure of the information would not jeopardize or prejudice a related investigation or prosecution. The bill repeals these provisions, instead requiring disclosure under the circumstances and procedures as specified above.

Under current law, if information is not disclosed due to the advice of the State's Attorney, the State's Attorney must notify the local director or the Secretary within 10 days after the conclusion of the related investigation or prosecution; within 30 days after this notification, the local director or the Secretary must disclose the information in accordance with statutory provisions. The bill makes conforming changes to these provisions, instead requiring the State's Attorney, if any information was redacted, to notify the local director or the Secretary within 10 days after conclusion of the related investigation or prosecution. The bill further removes a requirement that, before disclosing the information, the local director and the Secretary must also consult with each other (in addition to consulting the State's Attorney).

Statute specifies the following as information that must be disclosed by a local director or the Secretary:

- the name of the allegedly abused or neglected child who has suffered a fatality;
- the date of the report of the alleged child abuse or neglect and of any prior or subsequent reports;
- the findings made by the local department at the conclusion of its investigation and the related disposition based on the findings;
- any services provided to (and the number of referrals for professional services for) the alleged abuser or neglecter, the allegedly abused or neglected child, and household or family members;

- any prior adjudication as a child in need of assistance of the allegedly abused or neglected child, a sibling of the child, or another child in the household, family, or care of the alleged abuser/neglector;
- the status of any case involving the child that was open at the time of the fatality or near fatality;
- a summary of the facts of the fatality or near fatality, including the date of the fatality or near fatality, and in the case of a fatality, the cause of death reported by the medical examiner; and
- any information concerning the circumstances of the alleged child abuse or neglect and the investigation of the circumstances, if the local director or the Secretary determines that the disclosure is consistent with the public interest.

The local director and the Secretary are prohibited from disclosing certain information, including the identity of an individual who made a report, the name of a child who has suffered a near fatality, the names of other family members of the allegedly abused or neglected child, and medical reports other than those related to the cause of the child's injury or death as a result of the alleged abuse or neglect.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See SB 89 and HB 937 of 2024; SB 631 and HB 1019 of 2023; and HB 1246 of 2022.

Designated Cross File: None.

Information Source(s): Montgomery County; Department of Human Services; Department of Legislative Services

Fiscal Note History: First Reader - February 18, 2025
km/jkb

Analysis by: Amanda L. Douglas

Direct Inquiries to:
(410) 946-5510
(301) 970-5510