

HOUSE BILL 1019

D4, O4

3lr2276

By: **Delegate McComas**

Introduced and read first time: February 10, 2023

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Child Abuse and Neglect – Reports and Records – Disclosure**
3 **(Anderson’s Law)**

4 FOR the purpose of requiring that certain reports and records of child abuse and neglect be
5 disclosed on request after the local State’s Attorney’s office has been provided a
6 certain amount of time to redact certain information; and generally relating to the
7 confidentiality of reports and records of child abuse and neglect.

8 BY repealing and reenacting, with amendments,
9 Article – Human Services
10 Section 1–203
11 Annotated Code of Maryland
12 (2019 Replacement Volume and 2022 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 1–203.

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

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

20 (i) where the allegedly abused or neglected child lives; or

21 (ii) if different, where the abuse or neglect is alleged to have taken
22 place.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) “Local director” means the director of the local department.

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

6 (5) “Secretary” means the Secretary of Human Services.

7 (b) [(1)] Notwithstanding any other provision of law, the local director or the
8 Secretary shall, on request, disclose information concerning child abuse or neglect in
9 accordance with subsection (c) of this section if:

10 [(i)] (1) the information is limited to actions or omissions of the
11 local department, the Department of Human Services, or an agent of the Department of
12 Human Services;

13 [(ii)] (2) the child named in a report of abuse or neglect has suffered
14 a fatality or near fatality; and

15 [(iii) 1.] (3) (I) the local director or the Secretary has consulted the
16 State’s Attorney’s office; and

17 [2.] (II) the State’s Attorney’s office [has advised the local
18 director or the Secretary that disclosure of the information would not jeopardize or
19 prejudice a related investigation or prosecution] **IS PROVIDED 30 BUSINESS DAYS AFTER**
20 **THE CONSULTATION TO REDACT FROM THE RECORD TO BE RELEASED ANY PORTION**
21 **OF THE RECORD THAT, IF MADE PUBLIC, WOULD SERIOUSLY HINDER THE ABILITY**
22 **OF THE STATE’S ATTORNEY TO PROSECUTE A CRIMINAL CASE ARISING FROM THE**
23 **INCIDENT.**

24 [(2) (i) If the local director or the Secretary does not disclose information
25 under paragraph (1) of this subsection because the State’s Attorney has advised that
26 disclosure of the information would jeopardize or prejudice a related investigation or
27 prosecution, the State’s Attorney shall notify the local director or the Secretary within 10
28 days after the conclusion of the related investigation or prosecution.

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

32 (c) Before disclosing the information:

33 (1) the local director or the Secretary shall consult the State’s Attorney’s
34 office; and

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

2 (d) Subject to [subsection] **SUBSECTIONS (B)(3)(II) AND** (e) of this section, the
3 local director or the Secretary shall disclose:

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

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

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

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

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

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

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

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

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

25 (e) (1) The local director or the Secretary may not:

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

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

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

1 (iv) except for the information described in subsection (d) of this
2 section, disclose the file relating to the allegedly abused or neglected child.

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

6 (f) In consultation with the local directors, the Secretary shall develop a form for
7 disclosure of the information described in subsection (d) of this section.

8 (g) This section does not grant a right to any person to receive the information
9 described in subsection (d) of this section.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2023.