

HOUSE BILL 137

D4

11r0089

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

Introduced and read first time: January 25, 2011

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Child Abuse and Neglect – Child Welfare – Alternative Response**

3 FOR the purpose of authorizing the Secretary of Human Resources to establish an
4 alternative response program for selected reports of child abuse or neglect;
5 requiring local departments of social services to participate in the development
6 of the alternative response program; prohibiting certain reports of child abuse
7 or neglect from being assigned for an alternative response; authorizing certain
8 reports assigned for an alternative response to be reassigned for an immediate
9 investigation based on certain factors; authorizing certain reports assigned for
10 an investigation to be reassigned for an alternative response based on certain
11 factors; requiring a local department to take certain actions following a report
12 referred for an alternative response; providing for the confidentiality and
13 maintenance of certain records; requiring the Social Services Administration to
14 develop a certain data collection process; requiring the Department of Human
15 Resources to submit a certain assessment and recommendations to the General
16 Assembly; and generally relating to child abuse and neglect.

17 BY adding to

18 Article – Family Law

19 Section 5–705.2

20 Annotated Code of Maryland

21 (2006 Replacement Volume and 2010 Supplement)

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

24 **Article – Family Law**

25 **5–705.2.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) IN THIS SECTION, “ALTERNATIVE RESPONSE” MEANS:**

2 **(1) A COMPREHENSIVE ASSESSMENT OF CHILD SAFETY, RISK OF**
3 **SUBSEQUENT CHILD ABUSE OR NEGLECT, AND FAMILY STRENGTHS AND NEEDS;**
4 **AND**

5 **(2) THE PROVISION OF, OR REFERRAL FOR, NEEDED SERVICES.**

6 **(B) (1) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE**
7 **SECRETARY OF HUMAN RESOURCES MAY ESTABLISH AN ALTERNATIVE**
8 **RESPONSE PROGRAM FOR SELECTED REPORTS OF CHILD ABUSE OR NEGLECT.**

9 **(2) LOCAL DEPARTMENTS SHALL PARTICIPATE IN THE**
10 **DEVELOPMENT OF THE ALTERNATIVE RESPONSE PROGRAM.**

11 **(C) AN ALTERNATIVE RESPONSE MAY NOT INCLUDE AND MAY NOT BE**
12 **CONSIDERED A FINDING OR DETERMINATION AS TO WHETHER CHILD ABUSE OR**
13 **NEGLECT OCCURRED.**

14 **(D) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, § 5-706 OF**
15 **THIS SUBTITLE DOES NOT APPLY TO REPORTS ASSIGNED FOR AN ALTERNATIVE**
16 **RESPONSE.**

17 **(E) REPORTS THAT ARE NOT ASSIGNED FOR AN ALTERNATIVE**
18 **RESPONSE SHALL BE ASSIGNED FOR AN IMMEDIATE INVESTIGATION IN**
19 **ACCORDANCE WITH § 5-706 OF THIS SUBTITLE.**

20 **(F) THE FOLLOWING REPORTS OF SUSPECTED CHILD ABUSE OR**
21 **NEGLECT MAY NOT BE ASSIGNED FOR AN ALTERNATIVE RESPONSE:**

22 **(1) CHILD SEXUAL ABUSE;**

23 **(2) CHILD NEGLECT IN WHICH A CHILD UNDER THE AGE OF 2**
24 **YEARS HAS BEEN LEFT UNATTENDED;**

25 **(3) CHILD ABUSE IN WHICH A CHILD UNDER THE AGE OF 1 YEAR**
26 **HAS BEEN SUBJECTED TO CORPORAL PUNISHMENT; AND**

27 **(4) CHILD ABUSE OR NEGLECT:**

28 **(I) INVOLVING SUBSTANTIAL CHILD ENDANGERMENT;**

29 **(II) RESULTING IN DEATH OR SERIOUS PHYSICAL OR**
30 **MENTAL INJURY;**

1 **(III) OCCURRING IN AN OUT-OF-HOME SETTING; OR**

2 **(IV) IF, IN THE PREVIOUS 3 YEARS, THE SUSPECTED CHILD**
3 **ABUSER OR NEGLECTOR HAS BEEN THE SUBJECT OF THREE OR MORE REPORTS**
4 **DOCUMENTED IN LOCAL DEPARTMENT RECORDS.**

5 **(G) A REPORT ASSIGNED FOR AN ALTERNATIVE RESPONSE MAY BE**
6 **REASSIGNED FOR AN IMMEDIATE INVESTIGATION UNDER § 5-706 OF THIS**
7 **SUBTITLE AT ANY TIME BASED ON FACTORS INCLUDING:**

8 **(1) A REASSESSMENT OF THE REPORT OR RELEVANT FACTS;**

9 **(2) A DETERMINATION THAT THE CASE SATISFIES A CRITERION**
10 **DESCRIBED IN SUBSECTION (F) OF THIS SECTION; OR**

11 **(3) A FAMILY'S REFUSAL TO COOPERATE, WHICH MAY INCLUDE:**

12 **(I) THE FAMILY'S REFUSAL TO PROVIDE OR AUTHORIZE**
13 **THE RELEASE OF INFORMATION NECESSARY TO COMPLETE THE ALTERNATIVE**
14 **RESPONSE;**

15 **(II) THE FAMILY'S REFUSAL TO ACCEPT SERVICES THAT**
16 **WOULD DECREASE THE RISK OF CHILD ABUSE OR NEGLECT OR HAVE AN IMPACT**
17 **ON CHILD SAFETY;**

18 **(III) AN INABILITY TO COMPLETE THE ALTERNATIVE**
19 **RESPONSE; OR**

20 **(IV) A REQUEST BY A FAMILY MEMBER FOR AN IMMEDIATE**
21 **INVESTIGATION RATHER THAN AN ALTERNATIVE RESPONSE.**

22 **(H) A REPORT ASSIGNED FOR AN IMMEDIATE INVESTIGATION MAY BE**
23 **REASSIGNED FOR AN ALTERNATIVE RESPONSE AT ANY TIME BASED ON FACTORS**
24 **INCLUDING:**

25 **(1) A REASSESSMENT OF THE REPORT OR RELEVANT FACTS; AND**

26 **(2) A DETERMINATION THAT SERVICES ACCEPTED BY THE FAMILY**
27 **WOULD ADDRESS ALL ISSUES OF RISK OF CHILD ABUSE OR NEGLECT AND CHILD**
28 **SAFETY.**

29 **(I) WHEN A CASE IS REFERRED FOR AN ALTERNATIVE RESPONSE, THE**
30 **LOCAL DEPARTMENT SHALL:**

1 **(1) WITHIN 5 DAYS AFTER RECEIVING THE REPORT, HAVE**
2 **FACE-TO-FACE CONTACT WITH THE CHILD AND THE CHILD'S PRIMARY**
3 **CARETAKER;**

4 **(2) ADVISE THE APPROPRIATE LAW ENFORCEMENT AGENCY THAT**
5 **THE REPORT HAS BEEN ASSIGNED FOR AN ALTERNATIVE RESPONSE;**

6 **(3) AT THE INITIAL CONTACT, INFORM THE SUSPECTED CHILD**
7 **ABUSER OR NEGLECTOR OF THE ALLEGATIONS MADE AGAINST THE INDIVIDUAL**
8 **IN A MANNER CONSISTENT WITH LAWS PROTECTING THE RIGHTS OF THE**
9 **PERSON THAT MADE THE REPORT;**

10 **(4) COMPLETE AN ALTERNATIVE RESPONSE WITHIN 60 DAYS**
11 **AFTER THE RECEIPT OF THE REPORT; AND**

12 **(5) WITHIN 10 DAYS AFTER COMPLETING THE ALTERNATIVE**
13 **RESPONSE, ADVISE THE FAMILY AS TO WHETHER AND WHAT SERVICES ARE**
14 **NEEDED TO ADDRESS:**

15 **(I) THE SAFETY OF THE CHILD AND OTHER FAMILY**
16 **MEMBERS; AND**

17 **(II) THE RISK OF SUBSEQUENT CHILD ABUSE OR NEGLECT.**

18 **(J) THE LOCAL DEPARTMENT:**

19 **(1) SHALL MAINTAIN COMPLETE RECORDS RELATED TO AN**
20 **ALTERNATIVE RESPONSE FOR NOT MORE THAN 5 YEARS AFTER THE REPORT**
21 **WAS RECEIVED;**

22 **(2) MAY NOT USE OR DISCLOSE RECORDS RELATED TO AN**
23 **ALTERNATIVE RESPONSE FOR PURPOSES OF RESPONDING TO A REQUEST FOR**
24 **BACKGROUND INFORMATION FOR EMPLOYMENT OR VOLUNTARY SERVICES; AND**

25 **(3) IN ACCORDANCE WITH § 1-202 OF THE HUMAN SERVICES**
26 **ARTICLE, SHALL PROTECT FROM DISCLOSURE RECORDS RELATED TO AN**
27 **ALTERNATIVE RESPONSE.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That the Social Services
29 Administration shall develop a data collection process to assess the impact of
30 alternative response in the areas of child safety, timeliness of response, timeliness of
31 service, coordination and provision of local human services, cost-effectiveness, record
32 keeping, and any other significant related issues.

1 SECTION 3. AND BE IT FURTHER ENACTED, That, on or before October 1,
2 2014, the Department of Human Resources shall submit to the General Assembly its
3 preliminary assessment of the alternative response program under § 5–705.2 of the
4 Family Law Article, as enacted by Section 1 of this Act, and its recommendations for
5 continuing the program.

6 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2011.