

HOUSE BILL 325

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

Introduced and read first time: February 2, 2011

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Child Abuse and Neglect Central Registry – Background Check**
3 **Fee**

4 FOR the purpose of authorizing the State Department of Human Resources or a local
5 department of social services to charge a reasonable fee not exceeding a certain
6 amount for processing certain requests for background information from the
7 child abuse and neglect central registry; and generally relating to child abuse
8 and neglect.

9 BY repealing and reenacting, with amendments,
10 Article – Family Law
11 Section 5–714
12 Annotated Code of Maryland
13 (2006 Replacement Volume and 2010 Supplement)

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

16 **Article – Family Law**

17 5–714.

18 (a) The Social Services Administration and each local department may
19 maintain a central registry of cases reported under this subtitle.

20 (b) (1) Each local department shall provide the information for a central
21 registry.

22 (2) Except for identifying information authorized under subsection (d)
23 of this section, a central registry may not include information from a local department

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 case file until any individual found responsible for indicated or unsubstantiated child
2 abuse or neglect has:

3 (i) been found guilty of any criminal charge arising from the
4 alleged abuse or neglect;

5 (ii) unsuccessfully appealed the finding in accordance with the
6 procedures established under § 5–706.1 of this subtitle; or

7 (iii) failed to exercise the appeal rights within the time frames
8 specified in § 5–706.1 of this subtitle, Title 10, Subtitle 2 of the State Government
9 Article, or the Maryland Rules.

10 (c) The information in a central registry shall be at the disposal of:

11 (1) the protective services staff of the Administration;

12 (2) the protective services staffs of local departments who are
13 investigating a report of suspected abuse or neglect; and

14 (3) law enforcement personnel who are investigating a report of
15 suspected abuse or neglect.

16 (d) (1) Except as provided in paragraph (2) of this subsection, and subject
17 to subsection (e) of this section, a central registry may contain identifying information
18 related to an investigation of abuse or neglect.

19 (2) A central registry may not contain identifying information related
20 to an investigation of abuse or neglect if:

21 (i) abuse or neglect has been ruled out; or

22 (ii) the abuse or neglect finding has been expunged in
23 accordance with § 5–707(b)(1) of this subtitle.

24 (e) (1) The Department or a local department may identify an individual
25 as responsible for abuse or neglect in a central registry only if the individual:

26 (i) has been found guilty of any criminal charge arising out of
27 the alleged abuse or neglect; or

28 (ii) has been found responsible for indicated abuse or neglect
29 and has:

30 1. unsuccessfully appealed the finding in accordance
31 with the procedures established under § 5–706.1 of this subtitle; or

1 2. failed to exercise the individual's appeal rights within
2 the time frames specified in § 5-706.1 of this subtitle, Title 10, Subtitle 2 of the State
3 Government Article, or the Maryland Rules.

4 (2) The Department without the necessity of a request shall remove
5 from the name of an individual described in paragraph (1) of this subsection the
6 identification of that individual as responsible for abuse or neglect if no entry has been
7 made for that individual for 7 years after the entry of the individual's name in a
8 registry.

9 (f) (1) (I) Except for information entered in accordance with
10 subsection (e) of this section, information in a central registry may not be used as a
11 sole basis for responding to any request for background information for employment or
12 voluntary service.

13 **(II) THE DEPARTMENT OR A LOCAL DEPARTMENT MAY**
14 **CHARGE A REASONABLE FEE, NOT EXCEEDING \$25 PER REQUEST, FOR**
15 **PROCESSING ANY REQUEST FOR BACKGROUND INFORMATION FOR PURPOSES**
16 **OF EMPLOYMENT, VOLUNTARY SERVICES, AND MARYLAND NONPUBLIC**
17 **ADOPTIONS AND FOSTER CARE, WITH THE EXCEPTION OF CLEARANCES**
18 **RELATED TO MARYLAND GOVERNMENT EMPLOYMENT OR VOLUNTEER**
19 **ACTIVITIES.**

20 (2) An official or employee of the Department or a local department
21 who releases information from a central registry in violation of paragraph (1) of this
22 subsection is subject to the penalty provided in § 1-202(f) of the Human Services
23 Article.

24 (g) Notwithstanding any other provision of law, the central registry may not
25 include the identity of an individual related to an investigation of neglect or found
26 responsible for neglect when:

27 (1) a child has been released from a hospital or other facility;

28 (2) the child has been diagnosed with a mental disorder or
29 developmental disability; and

30 (3) the individual has failed to take the child home due to a reasonable
31 fear for the safety of the child or child's family.

32 (h) The Secretary of Human Resources:

33 (1) shall adopt regulations necessary to protect the rights of
34 individuals suspected of abuse or neglect; and

35 (2) may adopt regulations to implement the provisions of this section.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2011.