

SENATE BILL 1055

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4lr3173

By: **Senator DeGrange**

Introduced and read first time: February 19, 2014

Assigned to: Rules

Re-referred to: Judicial Proceedings, February 27, 2014

Committee Report: Favorable

Senate action: Adopted

Read second time: March 26, 2014

CHAPTER _____

1 AN ACT concerning

2 **Family Law – Child Abuse and Neglect – Expungement of Reports and**
3 **Records – Time Period**

4 FOR the purpose of requiring a local department of social services to maintain certain
5 reports of suspected abuse or neglect and all assessments and investigative
6 findings for a certain purpose for certain periods of time; altering the time
7 period after which a local department is required to expunge certain reports and
8 records of suspected child abuse and neglect; and generally relating to reports of
9 child abuse and neglect.

10 BY repealing and reenacting, with amendments,
11 Article – Family Law
12 Section 5–707
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2013 Supplement)

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

17 **Article – Family Law**

18 5–707.

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 (a) Subject to federal and State law, the Administration shall provide by
2 regulation adopted in accordance with Title 10, Subtitle 1 of the State Government
3 Article:

4 (1) procedures for protecting the confidentiality of reports and records
5 made in accordance with this subtitle;

6 (2) conditions under which information may be released;

7 (3) conditions for determining in cases whether abuse, neglect, or
8 sexual abuse is indicated, ruled out, or unsubstantiated; and

9 (4) procedures for the appeal processes provided in this subtitle.

10 (b) **(1) [The] UNLESS AN INVESTIGATION UNDER § 5-706 OF THIS**
11 **SUBTITLE FINDS THAT THE REPORT IS INDICATED OR THE LOCAL DEPARTMENT**
12 **HAS RECEIVED ADDITIONAL REPORTS, THE** local department shall [expunge]
13 **MAINTAIN** a report of suspected abuse or neglect and all assessments and
14 **investigative findings FOR THE PURPOSE OF DETERMINING WHETHER A PATTERN**
15 **EXISTS:**

16 **[(1)] (I) [within 5] FOR AT LEAST 10** years after the date of referral
17 if the investigation under § 5-706 of this subtitle concludes that the report is
18 unsubstantiated, and no further reports of abuse or neglect are received during the **[5]**
19 **10** years; and

20 **[(2)] (II) [within 120 days] FOR AT LEAST 5 YEARS** after the date of
21 referral if the report is ruled out, and no further reports of abuse or neglect are
22 received during the **[120 days] 5 YEARS**.

23 **(2) THE LOCAL DEPARTMENT SHALL EXPUNGE A REPORT OF**
24 **SUSPECTED ABUSE OR NEGLECT AND ALL ASSESSMENTS AND INVESTIGATIVE**
25 **FINDINGS AFTER THE EXPIRATION OF THE PERIOD FOR DETERMINING A**
26 **PATTERN ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2014.