

HOUSE BILL 7

D4

(PRE-FILED)

5l0619
CF SB 12

By: **Delegate Sophocleus**

Requested: November 18, 2014

Introduced and read first time: January 14, 2015

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 24, 2015

CHAPTER _____

1 AN ACT concerning

2 **Family Law – Child Abuse and Neglect – Expungement of Reports and Records –**
3 **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 findings~~
6 ~~for a certain purpose for certain periods of time;~~ altering the time period ~~after~~ within
7 which a local department of social services is required to expunge certain reports and
8 records of suspected child abuse and neglect; authorizing a local department to
9 immediately expunge certain reports and records of suspected child abuse and
10 neglect under certain circumstances; and generally relating to reports of child abuse
11 and neglect.

12 BY repealing and reenacting, with amendments,
13 Article – Family Law
14 Section 5–707
15 Annotated Code of Maryland
16 (2012 Replacement Volume and 2014 Supplement)

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

Article – Family Law

20 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 Article:

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

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

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

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

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

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

18 [(2)] (II) [within 120 days] ~~FOR AT LEAST 5 YEARS~~ SUBJECT TO
19 PARAGRAPH (2) OF THIS SUBSECTION, WITHIN 1 YEAR after the date of referral if the
20 report is ruled out, and no further reports of abuse or neglect are received during the [120
21 days] ~~5 YEARS~~ 1 YEAR.

22 (2) ~~THE LOCAL DEPARTMENT SHALL EXPUNGE A REPORT OF~~
23 ~~SUSPECTED ABUSE OR NEGLECT AND ALL ASSESSMENTS AND INVESTIGATIVE~~
24 ~~FINDINGS AFTER THE EXPIRATION OF THE PERIOD FOR DETERMINING A PATTERN~~
25 ~~ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION~~ IF A REPORT IS RULED
26 OUT, THE LOCAL DEPARTMENT MAY, ON GOOD CAUSE SHOWN, IMMEDIATELY
27 EXPUNGE THE REPORT AND ALL ASSESSMENTS AND INVESTIGATIVE FINDINGS.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2015.