

SENATE BILL 79

O4, D4

6lr0013

(PRE-FILED)

By: **Chair, Judicial Proceedings Committee (By Request – Departmental – Office for Children)**

Requested: September 24, 2015

Introduced and read first time: January 13, 2016

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: February 2, 2016

CHAPTER _____

1 AN ACT concerning

2 **State Citizens Review Board for Children – Penalties for Unauthorized**
3 **Disclosure of Child Protection Case Information**

4 FOR the purpose of repealing the authority of the Special Secretary for Children, Youth,
5 and Families to impose a civil penalty on members of the State Citizens Review
6 Board for Children and the Board's designees and staff for unauthorized disclosure
7 of certain child protection case information; authorizing the Secretary of Human
8 Resources to impose a civil penalty on members of the Board and the Board's
9 designees and staff for unauthorized disclosure of certain child protection case
10 information; and generally relating to the State Citizens Review Board for Children.

11 BY repealing and reenacting, without amendments,
12 Article – Family Law
13 Section 5–535, 5–539, and 5–539.1(a) through (d)
14 Annotated Code of Maryland
15 (2012 Replacement Volume and 2015 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Family Law
18 Section 5–539.3
19 Annotated Code of Maryland
20 (2012 Replacement Volume and 2015 Supplement)

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

3 **Article – Family Law**

4 5–535.

5 There is a State Citizens Review Board for Children.

6 5–539.

7 (a) The State Board may adopt policies and procedures that:

8 (1) relate to the functions of the local boards; and

9 (2) are consistent with the goals set forth in § 5–544 of this subtitle.

10 (b) The State Board shall:

11 (1) provide a training program for members of the local boards and local
12 citizens review panels;

13 (2) review and coordinate the activities of the local boards;

14 (3) adopt policies and procedures that relate to reports and any other
15 information that is required for any public or private agency or institution;

16 (4) make recommendations to the Secretary of Human Resources and the
17 General Assembly regarding:

18 (i) the response of the State to child abuse and neglect; and

19 (ii) out-of-home care policies, procedures, and practices; and

20 (5) subject to § 2–1246 of the State Government Article, report to the
21 General Assembly and the Secretary of Human Resources on the first day of each year on
22 the status of children in out-of-home placement in this State.

23 5–539.1.

24 (a) In addition to any duties set forth elsewhere, the State Board shall, by
25 examining the policies, procedures, and practices of State and local agencies and by
26 reviewing, where appropriate, specific cases, evaluate the extent to which State and local
27 agencies are effectively discharging their child protection responsibilities in accordance
28 with:

29 (1) the State plan under 42 U.S.C. § 5106a(b);

1 (2) the child protection standards set forth in 42 U.S.C. § 5106a(b); and

2 (3) any other criteria that the State Board considers important to ensure
3 the protection of children, including:

4 (i) a review of the extent to which the State child protective services
5 system is coordinated with the foster care and adoption program established under Part E
6 of Title IV of the Social Security Act; and

7 (ii) a review of child fatalities and near fatalities.

8 (b) (1) Case reviews conducted under subsection (a) of this section shall
9 include questions designed to meet the quality assessment goals for casework services in §
10 5–1308 of this title.

11 (2) The State Board shall tabulate and analyze the results of all case
12 reviews conducted under subsection (a) of this section and submit the results and findings
13 for consideration as part of the local department self–assessment process in § 5–1309 of
14 this title.

15 (3) The State Board shall tabulate and analyze the results of all case
16 reviews, both on a jurisdictional and a statewide basis, and submit the results and findings
17 to the Department on a quarterly basis.

18 (c) The State Board shall:

19 (1) provide for public outreach and comment; and

20 (2) make available to the public systemic findings and recommendations of
21 the State Board, the local citizen review panel, if any, and the local boards.

22 (d) The State Board may:

23 (1) by a majority vote of its members add up to four members with expertise
24 in the prevention and treatment of child abuse and neglect for the purpose of performing
25 its duties under this section; and

26 (2) to assist the State Board in its reviews of specific cases, designate:

27 (i) local teams composed of members of local boards of out–of–home
28 care of children and staff; or

29 (ii) local citizens review panels established under § 5–539.2 of this
30 subtitle.

31 5–539.3.

1 (a) The members of the State Board and the Board’s designees and staff:

2 (1) may not disclose to any person or government official any identifying
3 information about any specific child protection case about which the State Board is provided
4 information; and

5 (2) may make public other information unless prohibited by law.

6 (b) In addition to any other penalties provided by law, the [Special Secretary for
7 Children, Youth, and Families] **SECRETARY OF HUMAN RESOURCES** may impose on any
8 person who violates subsection (a) of this section a civil penalty not exceeding \$500 for each
9 violation.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2016.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.