

# HOUSE BILL 843

O4, O1

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

Introduced and read first time: February 8, 2019

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Department of Human Services – Child Abuse and Neglect – Disclosure of**  
3 **Information**

4 FOR the purpose of authorizing the Department of Human Services to disclose a report or  
5 record concerning child abuse or neglect with local or State officials responsible for  
6 the administration of juvenile services under certain circumstances; and generally  
7 relating to the disclosure of information concerning child abuse and neglect.

8 BY repealing and reenacting, with amendments,  
9 Article – Human Services  
10 Section 1–202(c)  
11 Annotated Code of Maryland  
12 (2007 Volume and 2018 Supplement)

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

15 **Article – Human Services**

16 1–202.

17 (c) A report or record concerning child abuse or neglect:

18 (1) may be disclosed on request to:

19 (i) personnel of the Social Services Administration or a local  
20 department of social services, law enforcement personnel, and members of  
21 multidisciplinary case consultation teams, including an addiction specialist as defined in  
22 Title 5, Subtitle 12 of the Family Law Article or § 5–314 of this article, who are investigating  
23 a report of known or suspected child abuse or neglect or providing services to or assessing  
24 a child or family that is the subject of the report;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) local or State officials responsible for the administration of child  
2 protective services, **JUVENILE SERVICES**, or child care, foster care, or adoption licensing,  
3 approval, or regulations, as necessary to carry out their official functions;

4 (iii) the State Council on Child Abuse and Neglect or its designee, the  
5 State Citizens Review Board for Children or its designee, or a child fatality review team,  
6 as necessary to carry out their official functions;

7 (iv) a person who is the alleged abuser or neglector, if that person is  
8 responsible for the child's welfare and provisions are made for the protection of the identity  
9 of the reporter or any other person whose life or safety is likely to be endangered by  
10 disclosing the information;

11 (v) subject to the provisions of subsection (b)(4) of this section, a  
12 licensed practitioner who, or an agency, institution, or program that, is providing treatment  
13 or care to a child who is the subject of a report of child abuse or neglect for a purpose  
14 relevant to the treatment or care;

15 (vi) a parent or other person who has permanent or temporary care  
16 and custody of the child, if provisions are made for the protection of the identity of the  
17 reporter or any other person whose life or safety is likely to be endangered by disclosing the  
18 information;

19 (vii) 1. the appropriate public school superintendent or the  
20 principal or equivalent employee of a nonpublic school that holds a certificate of approval  
21 from the State or is registered with the State Department of Education to carry out  
22 appropriate personnel or administrative actions following a report of suspected child abuse  
23 involving a student committed by:

24 A. a public school employee in that school system;

25 B. an employee of that nonpublic school;

26 C. an independent contractor who supervises or works  
27 directly with students in that school system or that nonpublic school; or

28 D. an employee of an independent contractor, including a bus  
29 driver or bus assistant, who supervises or works directly with students in that school  
30 system or that nonpublic school; and

31 2. if the report concerns suspected child abuse involving a  
32 student committed by an employee, independent contractor, or employee of an independent  
33 contractor described in item 1 of this item and employed by a nonpublic school under the  
34 jurisdiction of the superintendent of schools for the Archdiocese of Baltimore, the  
35 Archdiocese of Washington, or the Catholic Diocese of Wilmington, the appropriate  
36 superintendent of schools;

1 (viii) the director of a licensed child care facility or licensed child  
2 placement agency to carry out appropriate personnel actions following a report of suspected  
3 child abuse or neglect alleged to have been committed by an employee of the facility or  
4 agency and involving a child who is currently or was previously under the care of that  
5 facility or agency;

6 (ix) the Juvenile Justice Monitoring Unit of the Office of the Attorney  
7 General established under Title 6, Subtitle 4 of the State Government Article;

8 (x) subject to subsection (d) of this section, a licensed practitioner of  
9 a hospital or birthing center to make discharge decisions concerning a child, when the  
10 practitioner suspects that the child may be in danger after discharge based on the  
11 practitioner's observation of the behavior of the child's parents or immediate family  
12 members; or

13 (xi) the president of a Maryland public institution of higher  
14 education, as defined in § 10-101 of the Education Article, or the Chancellor of the  
15 University System of Maryland, to carry out appropriate personnel or administrative  
16 actions following a report of child abuse committed:

17 1. by an employee of the institution who has on-campus  
18 contact with children; or

19 2. by a contractor, an employee of a contractor, or a volunteer  
20 of the institution who has on-campus contact with children; and

21 (2) may be disclosed by the Department of Human Services to the operator  
22 of a child care center that is required to be licensed or to hold a letter of compliance under  
23 Title 5, Subtitle 5, Part VII of the Family Law Article or to a family child care provider who  
24 is required to be registered under Title 5, Subtitle 5, Part V of the Family Law Article, to  
25 determine the suitability of an individual for employment in the child care center or family  
26 child care home.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 October 1, 2019.