

HOUSE BILL 542

D4, O1

5lr1331
CF SB 347

By: **Delegate Crutchfield**

Introduced and read first time: January 22, 2025

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: February 27, 2025

CHAPTER _____

1 AN ACT concerning

2 **Adult Protective Services – Investigations and Disclosure of Information**

3 FOR the purpose of authorizing a local department of social services to request assistance
4 from federal law enforcement officers in an investigation relating to an alleged
5 vulnerable adult; altering certain provisions relating to the disclosure of certain
6 information concerning human services to include adult protective services; and
7 generally relating to adult protective services.

8 BY repealing and reenacting, without amendments,
9 Article – Family Law
10 Section 14–101(i), 14–102(a), 14–201, and 14–301
11 Annotated Code of Maryland
12 (2019 Replacement Volume and 2024 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Family Law
15 Section 14–303
16 Annotated Code of Maryland
17 (2019 Replacement Volume and 2024 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Human Services
20 Section 1–201
21 Annotated Code of Maryland
22 (2019 Replacement Volume and 2024 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.



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

Article – Family Law

14–101.

(i) “Law enforcement agency” means a State, county, or municipal police department, bureau, or agency.

14–102.

(a) It is the policy of the State that adults who lack the physical or mental capacity to care for their basic daily living needs shall have access to and be provided with needed professional services sufficient to protect their health, safety, and welfare.

14–201.

To implement the policy set out in § 14–102 of this title, the Secretary, with the advice of the Secretary of Health and the Secretary of Aging, shall develop, supervise, and cause each local department to implement a program of protective services for disabled individuals and vulnerable adults.

14–301.

The provisions of this subtitle do not limit the responsibility of a law enforcement agency to enforce the laws of this State or preclude a law enforcement agency from reporting and investigating alleged criminal conduct.

14–303.

(a) To protect the welfare of the alleged vulnerable adult the local department shall begin a thorough investigation:

(1) within 5 working days after the receipt of the report of suspected abuse, neglect, self–neglect, or exploitation; or

(2) within 24 hours after the receipt of the report of suspected abuse, neglect, self–neglect, or exploitation if the report indicates that an emergency exists.

(b) The investigation shall include:

(1) a determination of whether:

(i) the individual is a vulnerable adult; and

(ii) there has been abuse, neglect, self-neglect, or exploitation; and

(2) if the individual is determined to be a vulnerable adult and to have suffered abuse, neglect, self-neglect, or exploitation:

(i) a determination of the nature, extent, and cause of the abuse, neglect, self-neglect, or exploitation;

(ii) a determination of the identity of the person or persons responsible for the abuse, neglect, self-neglect, or exploitation;

(iii) an evaluation of the home environment; and

(iv) a determination of any other pertinent facts.

(c) (1) On request by the local department, the local State's Attorney or the appropriate law enforcement agency shall assist in the investigation.

(2) As appropriate, the local office on aging or the Department of Aging, local geriatric evaluation service, or any other public or private agency, including a fiduciary institution, providing services or care to the alleged vulnerable adult or whose information or expertise may be of assistance in assessing risk or planning services may assist in the investigation on the request by the local department.

(3) AS APPROPRIATE IN AN INVESTIGATION, THE LOCAL DEPARTMENT MAY REQUEST THE ASSISTANCE OF A FEDERAL LAW ENFORCEMENT OFFICER, AS DEFINED IN § 2-104 OF THE CRIMINAL PROCEDURE ARTICLE.

~~[(3)]~~ (4) Any agencies set out in this subsection may jointly agree to cooperative arrangements for investigation.

(d) An investigation under this section shall be completed within:

(1) 60 days; or

(2) 10 days if the report indicates that an emergency exists.

(e) Parties participating in an investigation may share pertinent client information relevant to the investigation.

Article – Human Services

1–201.

(a) Except as provided in subsection (b) of this section, a person may not disclose any information concerning an applicant for or recipient of social services, child welfare services, **ADULT PROTECTIVE SERVICES**, cash assistance, food stamps, or medical

assistance that is directly or indirectly derived from the records, investigations, or communications of the State, a county, or a municipal corporation or a unit of the State, a county, or a municipal corporation or that is acquired in the course of the performance of official duties.

(b) This section does not prohibit the disclosure of information:

(1) in accordance with a court order;

(2) to an officer or employee of any state or local government, the United States, or a fiduciary institution, if the officer or employee is entitled to the information in an official capacity and the disclosure is necessary to administer:

(i) public assistance, medical assistance, social services, **ADULT PROTECTIVE SERVICES**, or child welfare services programs; or

(ii) voter registration in accordance with § 3–203 of the Election Law Article; or

(3) to a fiduciary institution that reported suspected financial abuse or financial exploitation, if the fiduciary institution is authorized to request the information under § 1–306(h) of the Financial Institutions Article.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.