

SENATE BILL 89

D4, O4
SB 631/23 – JPR

(PRE-FILED)

4lr1442

By: **Senator James**

Requested: November 1, 2023

Introduced and read first time: January 10, 2024

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 22, 2024

CHAPTER _____

1 AN ACT concerning

2 **Child Abuse and Neglect – Reports and Records – Disclosure**

3 FOR the purpose of requiring a local director of a local department of social services or the
4 Secretary of Human Services to disclose certain reports and records of child abuse
5 and neglect within a certain period of time if certain conditions are met; requiring
6 the Secretary to notify the State’s Attorney’s office of a request to disclose certain
7 reports and records of child abuse and neglect; requiring the State’s Attorney’s office
8 to be given a certain period of time during which the office is authorized to redact
9 certain portions of the reports and records under certain circumstances; requiring
10 the State’s Attorney’s office, if the office redacts certain information, to notify the
11 local director or the Secretary within a certain period of time after the conclusion of
12 the related investigation or prosecution; and generally relating to the disclosure of
13 reports and records of child abuse and neglect.

14 BY repealing and reenacting, with amendments,
15 Article – Human Services
16 Section 1–203
17 Annotated Code of Maryland
18 (2019 Replacement Volume and 2023 Supplement)

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

21 **Article – Human Services**

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 1–203.

2 (a) (1) In this section the following words have the meanings indicated.

3 (2) “Local department” means the department of social services that has
4 jurisdiction in the county:

5 (i) where the allegedly abused or neglected child lives; or

6 (ii) if different, where the abuse or neglect is alleged to have taken
7 place.

8 (3) “Local director” means the director of the local department.

9 (4) “Medical report” means a psychological, psychiatric, therapeutic,
10 clinical, or medical report or evaluation related to the allegedly abused or neglected child,
11 a sibling of the child, or another child in the household, family, or care of the alleged abuser
12 or neglecter.

13 (5) “Secretary” means the Secretary of Human Services.

14 (b) (1) Notwithstanding any other provision of law **AND SUBJECT TO**
15 **PARAGRAPHS (2) AND (3) OF THIS SUBSECTION**, the local director or the Secretary shall,
16 [on] **WITHIN 30 DAYS AFTER RECEIVING A** request, disclose information concerning child
17 abuse or neglect [in accordance with subsection (c) of this section] if **THE CHILD:**

18 [(i) the information is limited to actions or omissions of the local
19 department, the Department of Human Services, or an agent of the Department of Human
20 Services;

21 (ii) the child named in a report of abuse or neglect has suffered a
22 fatality or near fatality; and

23 (iii) 1. the local director or the Secretary has consulted the State’s
24 Attorney’s office; and

25 2. the State’s Attorney’s office has advised the local director
26 or the Secretary that disclosure of the information would not jeopardize or prejudice a
27 related investigation or prosecution.]

28 **(I) WAS IN THE CUSTODY OF A LOCAL OR STATE DEPARTMENT**
29 **OR AGENCY, OR IN THE CARE OF A FOSTER PARENT;**

(II) IS THE SUBJECT OF AN INVESTIGATION, A REPORT, A REFERRAL, OR A COMPLAINT RECEIVED BY A LOCAL OR STATE DEPARTMENT OR AGENCY; AND

(III) SUFFERED A FATALITY OR NEAR FATALITY.

(2) INFORMATION DISCLOSED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION SHALL BE LIMITED TO ACTIONS OR OMISSIONS OF THE LOCAL DEPARTMENT, THE DEPARTMENT OF HUMAN SERVICES, OR AN AGENT OF THE DEPARTMENT OF HUMAN SERVICES.

~~(2)~~ (3) (I) ON RECEIVING A REQUEST TO DISCLOSE INFORMATION IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION, THE SECRETARY PROMPTLY SHALL NOTIFY THE STATE'S ATTORNEY'S OFFICE OF THE REQUEST.

(II) THE STATE'S ATTORNEY'S OFFICE SHALL BE ALLOWED 30 DAYS AFTER RECEIPT OF THE NOTICE REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH TO REDACT FROM THE RECORD ANY PORTION OF THE RECORD THAT, IF MADE PUBLIC, WOULD SERIOUSLY HINDER THE ABILITY OF THE STATE'S ATTORNEY'S OFFICE TO PROSECUTE A CRIMINAL CASE ARISING FROM THE INCIDENT.

~~[(2)]~~ ~~(3)~~ (4) (i) If the [local director or the Secretary does not disclose information under paragraph (1) of this subsection because the State's Attorney has advised that disclosure of the information would jeopardize or prejudice a related investigation or prosecution] **STATE'S ATTORNEY'S OFFICE REDACTS INFORMATION IN ACCORDANCE WITH PARAGRAPH ~~(2)(H)~~ (3)(II) OF THIS SUBSECTION**, the State's Attorney shall notify the local director or the Secretary within 10 days after the conclusion of the related investigation or prosecution.

(ii) Within 30 days after notification from the State's Attorney under subparagraph (i) of this paragraph, the local director or the Secretary shall disclose information in accordance with this section.

(c) ~~[Before disclosing the information:~~

~~(1) the local director or the Secretary shall consult the State's Attorney's office; and~~

~~(2) the local director and the Secretary shall consult each other.~~

[(d)] Subject to subsection [(e)] (D) of this section, the local director or the Secretary shall disclose:

(1) the name of the allegedly abused or neglected child who has suffered a fatality;

(2) the date of the report of the alleged child abuse or neglect and of any prior or subsequent reports;

(3) the findings made by the local department at the conclusion of its investigation and the disposition made by the local department based on its findings;

(4) any services provided to the alleged abuser or neglecter, the allegedly abused or neglected child, and the household or family members;

(5) the number of referrals for professional services for the alleged abuser or neglecter, the allegedly abused or neglected child, and the household or family members;

(6) any prior adjudication as a child in need of assistance of the allegedly abused or neglected child, a sibling of the child, or another child in the household, family, or care of the alleged abuser or neglecter;

(7) the status of any case involving the child that was open at the time of the fatality or near fatality;

(8) a summary of the facts of the fatality or near fatality, including the date of the fatality or near fatality and, in the case of a fatality, the cause of death reported by the medical examiner; and

(9) any information concerning the circumstances of the alleged child abuse or neglect and the investigation of the circumstances, if the local director or the Secretary determines that the disclosure is consistent with the public interest.

[(e)] (D) (1) The local director or the Secretary may not:

(i) disclose the identity of or provide an identifying description of the person who made the report;

(ii) disclose the name of a child who has suffered a near fatality, a sibling of the allegedly abused or neglected child, a parent of the allegedly abused or neglected child, an individual legally responsible for the child, the alleged abuser or neglecter, or another household or family member;

(iii) except as provided in paragraph (2) of this subsection, disclose a medical report; or

(iv) except for the information described in subsection **[(d)] (C)** of this section, disclose the file relating to the allegedly abused or neglected child.

1 (2) Notwithstanding Title 4, Subtitle 3 of the Health – General Article, the
2 local director or the Secretary may disclose a medical report related to the cause of the
3 child’s injury or death as a result of the alleged abuse or neglect.

4 **[(f)] (E)** In consultation with the local directors, the Secretary shall develop a
5 form for disclosure of the information described in subsection **[(d)] (C)** of this section.

6 **[(g)] (F)** This section does not grant a right to any person to receive the
7 information described in subsection **[(d)] (C)** of this section.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2024.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.