

# **CPS** **Investigative** **Field Guide**

## Child Welfare Academy

A partnership of the  
University of Maryland School of Social Work and the  
Maryland Department of Human Resources



Developed by: Gisele Ferretto, LCSW-C  
University of Maryland School of Social Work  
Education for Public Child Welfare Education Program  
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## CPS

Child Protective Services (CPS) is responsible for responding to children believed to be abused or neglected. CPS protects children by conducting a thorough investigation of a report of suspected abuse or neglect to protect the health, safety, and welfare of the child or children. The CPS investigation includes the following: assessing the safety of the child, assessing the safety of other children in the household as well as children in the care or custody of the alleged maltreater, a determination of the nature, extent and cause of the reported maltreatment, and a determination of any needed services to address any safety issues identified. In addition, if the abuse or neglect finding is *indicated* or *unsubstantiated* — the worker would also make a determination of the person responsible for the abuse or neglect.

The purpose of this field guide is to assist the CPS worker completing a thorough investigation of suspected child abuse or neglect. It is intended to be used in combination with supervision and clinical practice with goal of protecting Maryland's most vulnerable children.

### REFERENCES:

References to the specific sites in the laws, regulations or circular letters are provided throughout this guide.

**To Find ANY Maryland Regulation:** <http://www.dsd.state.md.us/comar/> (Note: Department of Human Resources is Title 07; Department of Health and Mental Hygiene is Title 10, and Department of Education is Title 13A)

**To find ANY Maryland Statute/Laws:**

<http://michie.lexisnexis.com/maryland/lpext.dll?f=templates&fn=main-h.htm&cp=>

**To find DHR Circular Letters:** the **DHR Intranet** can only be accessed from a DHR-connected computer; <http://www.dhrnet.dhr>

“ Administrations” > “SSANet” then click on “Circular Letters” “CPS Policy Manual”; “Children and Family Services” - Forms; “Child Welfare Lead Contacts”; “Home” > “Provider Hot List”; “In Home Services Forms”; “Licensed Agencies & Programs”; “Regulations” (COMAR) > “Child Abuse and Neglect”; “Child Abuse/Neglect Hearings”; “In-Home Family Services”; “Training Schedules”

**DHR Website: Available on-line to the public, <http://www.dhr.state.md.us>**

> “Administrations” > “Social Services Administration (SSA)” “Child Protective Services” detailed information about CPS for the general public

### ADDITIONAL RESOURCES:

**National Clearinghouse on Child Abuse & Neglect:**

For copies of online guides including , *CPS: A Guide for Case Workers* by the U.S. Department of Health and Human Services go to:  
[www.calib.com/nccanch/pubs/usermanual.cfm](http://www.calib.com/nccanch/pubs/usermanual.cfm)

**Online Medical Dictionary:**<http://www.medterms.com/script/main/hp.asp>

**Online Descriptions of Medications:** <http://www.medilexicon.com/drugsearch.php>

# TABLE OF CONTENTS

## Introduction

- Five Decisions of CPS
- Important Timeframes

## Legal Definitions

- Physical Child Abuse
- Sexual Child Abuse
- Mental Injury Abuse & Neglect
- Neglect Including Children Left Unattended

## Medical

- Examination to Verify Maltreatment
- Emergency Treatment of the Child
- Immunity Provisions
- Responsibility for Payment
- Access to Medical Records/Information
- Medical Record Defined to Include Children or Adult
- Medical Record Defined to Include Mental Health
- Payment of Copies

## School

- Questioning on School Interview at School
- Removal of Child from School Premises
- Immunity Provisions

## Dispositions

## Identifying Alleged Abuser or Alleged Neglector

## Legal Protections for Reporters & Collaterals

- Immunity for Reporting
- Immunity for Providing Information to CPS
- Making False Reports

## Temporary Removal of a Child

## Confidentiality

## Child Protection Laws and Regulations

## List of Circular Letters Concerning CPS

## FIVE DECISIONS FOR CPS

**...that the LDSS needs to make after receiving a report of suspected child abuse or neglect**

1. Disposition of child abuse or neglect (*past*) all forms (& all children) not just what was reported (COMAR 07.02.07.11-13)
2. Identification of the alleged abuser or neglecter (*past- fair hearings process*)
3. Assessment of the SAFETY of **all** children in the household and in the care of the alleged abuser or neglecter (*present*) (COMAR 07.02.07.07)
4. Determination of needed services (*safety plan-present*)
5. Assessment of the RISK to the child (*future*)

## IMPORTANT TIMEFRAMES

**Initiation of Investigation (FLA §5-706):**

- Child Physical or Sexual Abuse: WITHIN 24 hours after receiving report—see the child, attempt on-site interview with caretaker, decide on safety of other children in household and safety of other children in care of alleged abuser.
- Child Neglect or Mental Injury: WITHIN 5 calendar days after receiving report— see the child, attempt on-site interview with caretaker, decide on safety of other children in household and safety of other children in care of alleged maltreater.

**Completion of Investigation (FLA §5-706):**

- For all types of maltreatment—investigation must be completed no later than 60 calendar days after the receipt of the report.
- In addition, for ABUSE: Written report of findings to State’s Attorney within 5 business days after completion of investigation.

**Notification to Individual Alleged to have Abused or Neglected a Child**

(FLA §5-706.1 COMAR .07.02.26):

- Send written notice within 30 calendar days after completion of indicated or unsubstantiated investigation.

## **CHILD ABUSE – PHYSICAL**

**FLA § 5-701 and COMAR 07.02.07.11**

- 1. Sustaining of physical injury**
- 2. Child under age 18**
- 3. By parent, other person who has permanent or temporary care or custody or responsibility for supervision of the child (caretaker), or household or family member**
- 4. Under circumstances that indicate child's health or welfare is harmed or at substantial risk of harm**

### **Note for Criterion 1:**

- The injury may not be visible or may not be current: the injury might be internal, or have healed by the time of the report or covered by clothes. Need some verification of past injury if not visible.
- The law does not qualify or limit the kind of injury. Therefore, injuries do not have to be serious or life threatening to indicate the child's health or welfare is harmed or at substantial risk of harm.

### **Note for Criterion 2:**

- “Child under age 18” includes a child actually born (not just conceived) through their 18th birthday. Maltreated persons over the age of 18 should be referred to Adult PS.
- Under age 18 at the time of the incident – therefore, CPS may receive reports where an adult was abused as a child (refer to Circular Letter SSA 95-14).

### **Note for Criterion 3:**

- “Other person who has permanent or temporary care or custody or responsibility for supervision” means a caretaker (including a teacher, child care provider, babysitter, clergy, coach, camp workers, etc.).
- “Household & family member” includes siblings or other children.
- Household member includes a person in a household that may or may not have temporary care or custody of the child.
- Might not know exactly WHO caused injury, but if a child was only in the care of those mentioned and not abducted by a stranger then you can determine the abuse was caused by either a parent, caretaker, household or family member.

### **Note for Criterion 4:**

- An injury of a child by a parent/caretaker or household member may NOT be physical abuse – after the assessment of the circumstances (a parent may have caused bruises on child’s arm while trying to protect child from falling).
- In your explanation of the finding, identify if the circumstances indicate the child’s health or welfare IS harmed OR the circumstances indicate the child’s health or welfare is at substantial risk of harm.
- “Substantial risk of harm” refers to risk at the time of the maltreatment, rather than to the future risk that is determined by a risk assessment.
- If the injury is a result of corporal punishment: determine if the action was “reasonable corporal punishment” (force that is reasonable in light of the child’s age and condition, to punish or correct behavior, planned not impulsive). Also, only parent or stepparent can use corporal punishment.
- If the injury was a result of an accident: assess the circumstances to determine if the “contact with the child was accidental and unintended and under circumstances that the injury was not foreseeable” (by a reasonable person).
- Definitions of child abuse in the civil law (Family Law Article § 5-701 et seq.) differ from the criminal law (Criminal Law Article §3-601).

## **CHILD ABUSE – SEXUAL**

### **FLA § 5-701 COMAR 07.02.07.12**

- 1. Any act involving sexual molestation or exploitation**
- 2. Child under age 18**
- 3. By parent, other person who has permanent or temporary care or custody or responsibility for supervision of the child (caretaker), or household or family member**

#### **Note for Criterion 1:**

- Does not require physical injury nor risk of harm and includes acts that do not involve physical contact.
- *Sexual molestation or exploitation* is defined in COMAR 07.02.07.02 as “contact or conduct with a child, includes, but is not limited to exposure, voyeurism, sexual advances, kissing, fondling to sexual crime in any degree, rape, sodomy, prostitution; allowing, encouraging or engaging in the obscene or pornographic display, photographing, filming or depiction of a child as prohibited by law.
- Sexual molestation or exploitation of a child is always considered child sexual abuse. So there are only 3 criteria for child sexual abuse as opposed to 4 criteria when considering child physical abuse or neglect.
- Not all sexual activity between two children is automatically sexual abuse; an assessment is necessary to determine if the sexual activity between the children was exploitation. All sexual conduct/contact between a child and an adult is exploitation.

#### **Note for Criterion 2:**

- “Child under age 18” includes a child actually born (not just conceived) through their 18th birthday. Maltreated persons over the age of 18 should be referred to Adult PS
- Under age 18 at the time of the incident – therefore, CPS may receive reports where an adult was abused as a child (SSA 95-14).

#### **Note for Criterion 3:**

- “Other person who has permanent or temporary care or custody or responsibility for supervision” means a caretaker (including a teacher, child care provider, babysitter, clergy, coach, etc.).
- Household member includes a person in a household that may or may not have temporary care or custody of the child.
- “Household & family member” includes siblings or other children.
- Might not know exactly WHO sexually exploited or molested a child, but if a child was only in the care of those mentioned and not abducted by a stranger then you can determine the abuse was caused by either a parent, caretaker, household or family member.

**MENTAL INJURY – ABUSE**  
**FLA § 5-701**

- 1. Observable, identifiable, and substantial impairment of a child’s mental or psychological ability to function *caused by an act***
- 2. Child under age 18**
- 3. By parent, other person who has permanent or temporary care or custody or responsibility for supervision of the child (**caretaker**), or household or family member**
- 4. Under circumstances that indicate child's health or welfare is harmed or at substantial risk of harm**

**MENTAL INJURY – NEGLECT**  
**FLA § 5-701**

- 1. Observable, identifiable, and substantial impairment of a child’s mental or psychological ability to function *caused by an omission or failure to act***
- 2. Child under age 18**
- 3. By parent, other person who has permanent or temporary care or custody or responsibility for supervision of the child (**caretaker**)**
- 4. Under circumstances that indicate child's health or welfare is harmed or at substantial risk of harm.**

**Note for Mental Injury in General:**

- Refer to SSA Circular Letter # 95-6 and COMAR 07.02.07.08C, 07.02.07.09 B
- An assessment by TWO of the following is required when mental injury is suspected: licensed physician, licensed psychologist, or licensed social worker.
- Level of impairment of the child’s ability to function must be sufficiently severe and chronic to indicate a need for specific psychiatric, psychological or social work intervention.
- For mental injury-abuse, it is caused by an act.
- For mental injury neglect, the cause is an omission or failure to act.
- Mental injury-neglect does not include a household or family member.



**CHILD NEGLECT**  
**FLA § 5-701 COMAR 07.02.07.13**

- 1.** Failure to give proper care and attention (including the leaving of a child unattended)
- 2.** **Child under age 18**
- 3.** **By parent**, other person who has permanent or temporary care or custody or responsibility for supervision of the child (**caretaker**)
- 4.** **Under circumstances that indicate child's health or welfare is harmed or at substantial risk of harm.**

**Note for Criterion 1:**

- The failure could be from the parent/caretaker being unwilling or unable to provide proper care & attention.
- Poverty, homelessness, truancy MAY be neglect OR may NOT be neglect ... depends on circumstances.
- Does not require an injury or physical condition.
- A failure to give proper care and attention could include the withholding of medical treatment for religious purposes, there is NO religious exemption in the civil law.
- UNATTENDED CHILDREN:
  - Family Law Article §5-801 is a criminal law entitled “Unattended Children” and is often confused with the child neglect law. However, that criminal law is limited to children under the age of 8. It states that it is a crime to leave a child under age 8 unattended, locked or confined in a home, car, building or other enclosure.
  - Unattended children at any age can get hurt, injured or even killed without proper supervision so the law CPS is bound by (civil law) is more broad and more protective than the law mentioned above (FLA§5-801) because the child neglect definition includes children under the age of 18 who are left unattended “under circumstances that ... harm”.

See **Circular Letter SSA 96-9 Page 9** for further guidance.

### **Note for Criterion 2:**

- “Child under age 18” includes a child actually born (not just conceived) through their 18th birthday. Maltreated persons over the age of 18 should be referred to Adult PS.
- Under age 18 at the time of the incident – therefore, CPS may receive reports where an adult was neglected as a child (refer to Circular Letter SSA 95-14).

### **Note for Criterion 3:**

- “Other person who has permanent or temporary care or custody or responsibility for supervision” means a caretaker (including a teacher, child care provider, babysitter, clergy, coach, camp workers, etc.).
- Does NOT mention household or family member because with neglect situations the relationship is less important than if the individual was in the caretaking role. Any person who neglects a child must have been entrusted with the child’s permanent OR temporary care or custody.
- Might not know exactly WHO failed to give proper care and attention, but if a child was only in the care of those mentioned and not abducted by a stranger then you can determine the neglect was caused by either a parent or caretaker.

### **Note for Criterion 4:**

- Not all failure to give care and attention is child neglect. The same care for a 14 year old would not be appropriate for a 4 month old. For example, the leaving of a child by a parent/caretaker may not be determined neglect after the assessment of the circumstances (which include: the child is 14, emotionally mature, has no medical issues, was left for a limited time period and has a plan in case of emergency).
- In your explanation of the finding, identify if the circumstances indicate the child’s health or welfare IS harmed OR the circumstances indicate the child’s health or welfare is at substantial risk of harm.
- “Substantial risk of harm” refers to risk at the time of the maltreatment, rather than to the future risk that is determined by a risk assessment.
- There is no criminal law for "child neglect", BUT there are various criminal laws that define activities that are related to neglect issues (reckless endangerment, unattended children, contributing to the delinquency of minor...etc.).

## **MEDICAL**

### **Examination to Verify Maltreatment**

According to Family Law Article § 5-712 any physician who is licensed or authorized to practice medicine in the state must examine or treat any child, with or without the consent of the child's parent, guardian, or custodian, to determine the nature and extent of any neglect or abuse to the child. This is only permitted if the child is brought to the physician by a representative of a local department of social services who states that the child is believed to be neglected or abused, OR a police officer who states the child is believed to be an abused child, OR in accordance with a juvenile court order, OR by an individual required to report suspected child abuse or neglect in FLA § 5-704. While it is permissible under FLA§ 5-712 to transport a child to the physician, it is best practice to make an effort to notify parents/guardians and get consent if the examination is only to verify the existence of maltreatment.

### **Emergency Treatment of the Child**

If a provider examines a (neglected or abused) child and determines that emergency medical treatment is indicated, the provider may treat the child with or without the consent of the child's parent, guardian, or custodian (FLA § 5-712).

“Emergency medical treatment”, according to the law, means medical or surgical care rendered by a provider in a laboratory, health care facility, or child advocacy center to a child covered under the child abuse and neglect law. It includes medical treatment to either relieve any urgent illness, injury, severe emotional distress or life-threatening health condition **OR** to determine the existence, nature or extent of any possible abuse or neglect. It may also include telemedicine to achieve a timely expert diagnosis of child abuse or neglect.

### **Immunity for Examination or Treatment or Participation**

A provider who examines or treats a child (as described above) has immunity from civil and criminal liability (FLA§ 5-712). In addition, any person, including medical personnel, who participate in an investigation have immunity from civil liability or criminal penalty (FLA § 5-708). Additional protection can also be found in Health General Article §15-127. The immunity is for actions taken in “good faith”; this immunity would not protect someone acting maliciously.

### **Responsibility for Payment**

The Department of Health and Mental Hygiene must pay for emergency medical treatment charges that are incurred on behalf of a child who is examined or treated as described above (FLA § 5-712).

## **ACCESS TO MEDICAL RECORDS**

There are two laws which pertain to the disclosure of medical records, including mental health records, to local departments of social services: the Health General Article § 4-306 and Family Law Article § 5-711.

### **Access to Medical Records\***

The law (FLA § 5-711) states that any provider of medical care must provide copies of a child's medical records to the local department of social services, upon request, as part of its CPS investigation OR to provide services in the best interest of the child who is the subject of a report of child abuse or neglect. The other relevant law (HGA § 4-306) states that a health care provider must disclose a medical record with or without consent of the recipient, parent, guardian or custodian to the local department of social services or multidisciplinary team for purposes of investigation OR treatment in a case of suspected child abuse or neglect. The health care provider must disclose information in the medical record that will contribute to the assessment of risk, development of a service plan, implementation of a safety plan, OR investigation of the suspected case of abuse or neglect.

### **Medical Record of Child OR Adult**

The health care provider must disclose the medical record of a person who is being assessed in an investigation OR to whom services are being provided under the child abuse and neglect law— that would include the child, the child's caretaker, other children in the household and other children in the care or custody of the alleged maltreater. If the suspected abuse or neglect is verified, then it also includes the person or persons responsible for the abuse or neglect.

### **\* “Medical Record” Defined (includes mental health records)**

The medical record is defined in law as any oral, written or other transmission in any form of information that is entered in the record of a patient or recipient and relates to the health care of the patient or recipient.

Health care is defined as any care treatment or procedure by a health care provider to diagnose, evaluate, rehabilitate, manage, treat, or maintain the physical OR mental condition of a patient or recipient (HGA § 4-301).

### **Immunity for Health Care Providers who Disclose Information to LDSS**

Immunity from civil liability and criminal liability are provided for health care providers who disclose information to social services personnel or multidisciplinary team for the purposes of investigation or treatment in a case of suspected abuse or neglect of a child (HGA § 4-306).

### **Payment of Copying Costs**

A health care provider may not withhold copying until the fee for copying is paid when there is an emergency request from a unit of state or local government concerning a child protective services case (HGA § 4-304).

## **SCHOOL**

### **Questioning on a Public School Premises**

State Department of Education regulations (COMAR 13A.08.01.13B) require that a school permit the LDSS or police officer to question a student on school premises during the school day in an investigation involving suspected child abuse or suspected child neglect as described in FLA § 5-701. This could include a suspected child victim, sibling of a reported child, or the non-victim witness or the source of a disclosure involving another child. It further states that the school representative must consult with the LDSS worker to determine WHETHER a school official will be present during the interview. The goal is to make the child comfortable during the interview process. School officials are also NOT required to notify parents/guardians of CPS investigations on school premises (COMAR 13A.08.01.13D). It may be determined that disclosure to the parents would create a threat to the child's well-being.

### **Removal of a Child from a Public School**

State Department of Education regulations (COMAR 13A.08.01.13E) state that a child may be removed from school premises if that student is a suspected victim of child abuse or neglect and the LDSS has guardianship or a court order to remove the child. The school needs to ensure that prompt notification of a student's removal is made to the student's parent or guardian. Usually this notification will occur as part of the LDSS worker's contact made to arrange the initial family interview.

### **Immunity of Person Participating in CPS Investigation**

Any person, including school personnel, who participate in an investigation have immunity from civil liability or criminal penalty (FLA § 5-709).

For additional information see SSA Circular Letter 95-8 Disclosure of Records from CPS Records to Public Schools.

### **Private/Parochial Schools**

There is no specific law that requires a private/parochial school to allow access to a child for an interview. However, many schools have protocol that may assist this process. In situations where the abuse occurred by school personnel, you may need to involve the licensing agency of that school — seek supervisory direction and assistance from DHR as needed.

#### **Other helpful education resources:**

- Maryland State Department of Education website:  
[www.marylandpublicschools.org/msde](http://www.marylandpublicschools.org/msde)
- Federal site for students with disabilities:  
[www.idea.ed.gov](http://www.idea.ed.gov) then click on Part B (for children)
- Access to Education for Children in Foster Care Handbook on DHR website (from homepage: Administrations, SSA, handbook at end of list)

## DISPOSITIONS

### Findings/Dispositions

Based on the CPS investigation, a finding is made that the alleged child abuse or neglect is *Indicated*, *Unsubstantiated* or *Ruled Out*.

### Standard of Proof

The standard of proof required when making the finding (as well as the identification of the alleged abuser or alleged neglecter) is *a preponderance of the evidence* and not *beyond a reasonable doubt* — *beyond a reasonable doubt* is the level of evidence required for a criminal conviction. Document the facts that determine the finding.

### Indicated COMAR 07.02.07.12 A and 07.07.02.13 A

Indicated means a finding that there is credible evidence that has not been satisfactorily refuted, that abuse, neglect or sexual abuse did occur.

### Unsubstantiated COMAR 07.02.07.12 B and 07.07.02.13 B

Unsubstantiated means a finding that there is an insufficient amount of evidence to support finding of either indicated or ruled out. *Unsubstantiated* records are to be expunged within 5 years after date of referral if no further reports of abuse or neglect were received during the 5 years. FLA §5-707, COMAR 07.02.07.17

### Ruled Out COMAR 07.02.07.12 C and 07.07.02.13 C

Ruled Out means a finding that abuse, neglect or sexual abuse did NOT occur. *Ruled Out* records are to be expunged within 120 days after date of referral if no further reports of abuse or neglect were received during the 120 days. FLA §5-707, COMAR 07.02.07.17

## IDENTIFICATION OF ALLEGED ABUSER/ALLEGED NEGLECTOR (COMAR 07.02.07.10, 07.02.07.22 and 07.02.26)

The finding of the alleged child abuse or neglect is not the same as the identification of the alleged abuser or alleged neglecter. It is rare that an individual(s) could not be identified. (For example: a four-year-old with gonorrhea who is unable to identify who caused the sexual abuse is an indicated finding because whoever the child was with would be a caretaker or household member.) The purpose is to provide the person identified with an opportunity for a Child Abuse and Neglect Hearing with an Administrative Law Judge from the Office of Administrative Hearings. Consideration of the factors identified in COMAR 07.02.07.10 must be determined prior to the identification of any child as the alleged abuser.

If *Ruled Out* finding, then NO alleged abuser or alleged neglecter may be identified. If *indicated* or *unsubstantiated* finding, an alleged abuser or neglecter would be identified if there was sufficient evidence to determine, by a preponderance of the evidence, who was responsible for the alleged abuse or neglect. More than one individual may be identified as being responsible for the alleged abuse or alleged neglect.

## **LEGAL PROTECTIONS**

### **Identity of the Reporter**

The identity of the reporter is protected as well as the identity of a person whose life or safety is likely to be endangered by disclosure. Human Services Article § 1-202, formerly 88A§6(b).

### **Immunity of Person Making Report or Participating in the CPS Investigation**

Family Law Article § 5-709

Any person who makes OR participates in making a report of abuse or neglect OR participates in an investigation OR a resulting judicial proceeding has immunity from civil or criminal liability if the report was made in good faith.

### **Making False Reports**

Criminal Law Article §9-503

The law does protect individuals who in good faith provide information to CPS – the individuals may be mistaken but the information should have been given in good faith. Making a false statement or report deliberately and knowingly to a public official is illegal. The person who violates this section of the law is guilty of a misdemeanor and is subject to imprisonment for up to 6 months or a fine of \$500 or both.

## **TEMPORARY REMOVAL OF CHILD FROM HOME**

### **Right of Entry**

The law, Family Law Article § 5-709, allows the LDSS representative conducting a CPS investigation to enter the household if the representative was previously denied entry and has probable cause to believe that a child is in serious immediate danger. The police must accompany the LDSS representative and is permitted to use reasonable force, if necessary, to gain entry. If there is no serious immediate danger and the parent refuses to allow entry, then the LDSS would need to get a court order to proceed.

### **Removal of a Child**

When a child is in serious immediate danger, the worker has two options. One is to make a safety plan with the child's parent/guardian that addresses the safety issues. If that is not possible, then the LDSS representative may remove the child temporarily, without prior approval by the juvenile court, if they believe the child is in serious immediate danger. If the child is removed without prior approval by the juvenile court, the LDSS must have the child thoroughly examined by a physician and a report of the exam shall be included in the investigative report. Also, under Family Law Article § 5-709, the LDSS cannot remove a child without law enforcement.

## CONFIDENTIALITY

The sharing of information contained in child abuse or neglect records or reports COMAR 07.02.07.19 and Human Services Article § 1-202(formerly Article 88A§ 6 (b)). Information contained in records and reports concerning child abuse or neglect is of a sensitive nature. In response, Federal and State law narrowly restricts circumstances under which information contained in reports or records may be disclosed. The LDSS child welfare staff must consider if the sharing of the information would aid in the provision of services on behalf of the child. Information relevant to the purpose (of those identified below) is the information that is shared. This section does not include every situation when information is requested so any other request for information would require consultation from a supervisor, administrator or agency attorney. There is a criminal penalty for unapproved disclosures.

The protection of the identity of the reporter and any other person whose life or safety is likely to be endangered must be protected at **ALL** times.

### Required Disclosures:

- Under a court order (after checking with agency attorney because many people confuse a subpoena with a court order)
- Under an Order of an Administrative Law Judge, when the disclosure is needed for a pending case before the Office of Administrative Hearings. Usually LDSS administrators redact the material from the CPS record according to COMAR 07.02.26.02 (19) *Redacted Record*

### Permitted Disclosures

- To personnel at LDSSs or DHR, law enforcement, members of multi-disciplinary teams, or addiction specialists who are investigating a report of child abuse or neglect or providing services to, or assessing a child or family that is identified in the CPS report;
- To personnel at LDSSs or DHR responsible for the administration of CPS or licensing or approval of child care, foster care, or adoption so they may carry out their required functions;
- To State Council on Child Abuse & Neglect, State Citizens Review Board or Child Fatality Teams when reviewing a case;
- To the person who is the alleged child abuser or alleged neglecter if that person is responsible for the child's welfare;
- To treatment or care providers providing treatment or care to a child named in a CPS report (includes licensed practitioner, agency, institution, program);
- To parent or other person who has permanent or temporary care and custody of a child;
- To the appropriate school personnel following a report of suspected child abuse or neglect involving someone in the school system;
- To appropriate licensing personnel following a report of suspected child abuse or neglect involving someone in the child care facility;
- Practitioners of hospitals or birthing centers may receive only any prior indicated finding of either parent and if there is an open CPS case involving either parent.



## **CHILD PROTECTION LAWS**

*This list is NOT complete —  
there are many laws that relate to the protection of children*

- Child Abuse and Neglect (civil law to protect children)  
Family Law Article (FLA) §5-701 through section 715
- Child Abuse (criminal definition of the crime of child abuse)  
Criminal Law Article §3-601, and 3-602
- Unattended Children (criminal law)  
Family Law Article §5-801
- Reckless Endangerment (criminal law similar to child neglect)  
Criminal Law Article § 3-204
- Confidentiality of Records/Reports Concerning Child Abuse/Neglect  
Human Services Article §1-202 (formerly Article 88A §6 (b))
- Protection Orders (including children) Petition for Relief from Abuse  
FLA §4-504, Temporary Ex Parte Orders FLA §4-505, Protective Orders FLA §4-506
- Children in Need of Assistance: Courts and Judicial Proceedings  
Article §3-801 through 837
- Failure to Report Suspected Child Abuse and Neglect  
Educators: Education Article §6-202  
Medical Providers: Health Occupations Article §8-316 (a)(13)  
Nurses, 14—404(a)(25)  
Physicians, 19-311 (15)  
Social Workers, 3-5A-09(a) (14)  
Massage Therapists, 11-313(26)  
Optometrists, etc...
- Sexual offenses in the criminal law include:  
Child Pornography Criminal Law Article § 11-207 ; First Degree Rape Criminal  
Law Article § 3-303; First Degree Sexual Offense Criminal Law Article § 3-312

## **CHILD PROTECTION REGULATIONS**

- Protective Services for Neglected and Abused Children  
COMAR 07.02.07 from 07.02.07.01 through 07.02.07.22
- Child Abuse and Neglect Hearings  
COMAR 07.02.26 from 07.02.26.01 through 07.02.26.15

## **CPS RELATED CIRCULAR LETTERS**

1. Adult Abused/Neglected as Child: Circular Letter 95-14
2. Disabled Newborns: Investigating Cases where Medical Treatment is Withheld from Disabled Newborns: Circular Letter 86-3
3. Expungement Circular Letter 92-1
4. Fatalities: Investigating Child Fatalities Circular Letters 98-6, 97-8, 4-15, 93-8
5. Mental Injury: Investigating Mental Injury Circular Letter 95-6
6. Multi-D Teams: Circular Letter 99-4
7. Out of Home Investigations:
  - Daycare Circular Letters 87-15 and 98-7
  - School Personnel: Circular Letters 87-15, 95-8
8. Risk Assessment: Circular Letter 04-03 *Update of Maryland's Family Risk Assessment*
9. Safety: Circular Letter 02-06 SAFE-C and Circular Letter 05-04 SAFE-C GRP *Maryland's Safety Assessment for Every Child– Group or Residential Placement*
10. Screening: Circular Letters 95-13, 96-9, 97-3, 05-8
11. Shelter Care: Circular Letter 92-17 *Authorizing Emergency Shelter Care & Filing of CINA Petitions*
12. Taping of Child Interviews During Investigations: Circular Letter 89-18