


DEPARTMENT OF HUMAN RESOURCES  
SOCIAL SERVICES ADMINISTRATION  
311 WEST SARATOGA STREET  
BALTIMORE, MARYLAND 21201

**DATE:** September 30, 2016

**POLICY#:** SSA-CW #17-13

**TO:** Directors, Local Departments of Social Services  
Assistant Directors, Local Departments of Social Services

**FROM:** Rebecca Jones Gaston, MSW   
Executive Director  
Social Services Administration

**RE:** CPS Expungement of Reports and Records – Time Period

**PROGRAMS AFFECTED:** Child Protective Services and In Home Family Services

**ORIGINATING OFFICE:** In-Home Services Unit

**ACTION REQUIRED OF:** All Local Departments of Social Services

**ACTION REQUIRED:** Implementation of Policy

**ACTION DUE DATE:** October 1, 2016

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**PURPOSE:**

The purpose of this policy is to provide guidance to Local Departments of Social Services (LDSS) on the expungement of Ruled Out CPS investigations and Screened Out child welfare reports.

**BACKGROUND:**

During the 2016 legislative session, Senate Bill 31 “Child Abuse and Neglect – Expungement of Reports and Records – Time Period” passed. This bill alters the time period within which an LDSS is required to expunge reports and records of suspected child abuse and neglect in cases that are Ruled Out. The bill also authorizes an LDSS to immediately expunge certain Ruled Out reports and records of suspected child abuse and neglect for “good cause.” The legislative intent of Senate Bill 31 is to allow an LDSS to maintain copies of certain reports, client records, and valuable assessment information obtained during the course of Maryland’s LDSS’s work with families for a time period when those records might be most useful. Senate Bill 31 is codified in section 5-707 of the Family Law Article of Maryland Code.

**ACTION:**

An LDSS shall expunge records related to an investigation resulting in a Ruled Out finding within two years of receiving the report.

An LDSS shall expunge records related to a Screened Out report of child abuse or neglect within two years of receiving the report.

**EXCEPTIONS:****Prior Reports**

As before, subsequent reports and findings may “drag” the record of a prior investigation. This concept will now apply to unexpunged Ruled Out findings. *This does not apply to Screened Out reports.*

1. If a local department *accepts for a CPS response* (Investigative Response or Alternative Response) a report concerning an individual who was the alleged maltreater in a previous investigation or a participant in a previous Alternative Response, a local department shall not expunge the record related to the previous CPS response before the expungement of the record relating to the subsequent CPS response.
2. If a record in a previous CPS response has an expungement date later than the expungement date for a subsequent CPS response, the general rules for expungement apply.

**Investigative Response Record – Good Cause for Expungement**

The Legislature amended the proposed bill to require an LDSS to consider written requests from alleged maltreators to have records related to Ruled Out findings *immediately* expunged.

1. The director of an LDSS has responsibility for reviewing these written requests and determining whether good cause exists for a Ruled Out record to be immediately expunged. A determination as to whether good cause has been shown will be based on an evaluation of whether the investigative record would serve any purpose in a future CPS response. Given that the legislature has intentionally extended the length of time that an LDSS may maintain records of a Ruled Out investigation, immediate expungement for good cause should be the exception and not the rule.
2. An LDSS's determination as to whether good cause exists is final and not subject to further review.
3. An LDSS does not have a responsibility of broaching the subject of good cause with the alleged maltreater.

**Retaining a Record**

As now, upon written request by an alleged maltreater, a local department may retain a record of an investigation past the expungement date.

**PROCESS:**

1. The alleged maltreater's written request showing good cause and requesting that a record be expunged immediately must be placed in the File Cabinet.
2. The director of the LDSS's decision on the request for good cause is to be documented in Contacts with a copy of the director's written response to the alleged maltreater placed in the File Cabinet.

MD CHESSIE will continue to expunge the electronic file. The LDSS is responsible for expunging all paper reports and records.

The new law and this policy apply to all Screened out referrals received on or after October 1, 2016, and all Investigative Responses with a finding of Ruled Out accepted for investigation on or after October 1, 2016.