

(3) (I) “ADULT WHO HAS CARE AND CONTROL OF THE MINOR” MEANS AN INDIVIDUAL WHO IS ACTING AS THE PARENT OF THE CHILD.

(II) “ADULT WHO HAS CARE AND CONTROL OF THE MINOR” DOES NOT INCLUDE A TEACHER OR A BABY-SITTER.

(3) (4) “NOT REASONABLY AVAILABLE” MEANS:

(I) AFTER REASONABLE ORAL OR WRITTEN INQUIRY, THE REQUESTING AGENCY IS UNAWARE OF THE EXISTENCE OF A PERSON IN INTEREST;

(II) AFTER REASONABLE INQUIRY, THE REQUESTING AGENCY CANNOT ASCERTAIN THE LOCATION OF A PERSON IN INTEREST; OR

(III) AFTER REASONABLE EFFORTS BY THE REQUESTING AGENCY TO CONTACT THE PERSON IN INTEREST, THE PERSON IN INTEREST HAS NOT RESPONDED IN A TIMELY MANNER, TAKING INTO ACCOUNT THE NEEDS OF THE CHILD FOR WHOM SERVICES ARE TO BE PROVIDED, ~~TO A WRITTEN OR ORAL MESSAGE FROM THE REQUESTING AGENCY.~~

(4) (5) “PERSON IN INTEREST” MEANS:

(I) A MINOR, IF THE INFORMATION REQUESTED CONCERNS TREATMENT TO WHICH THE MINOR HAS THE RIGHT TO CONSENT AND HAS CONSENTED UNDER TITLE 20, SUBTITLE 1 OF THE HEALTH - GENERAL ARTICLE;

(II) A PARENT, IF THE PARENT'S PARENTAL RIGHTS HAVE NOT BEEN TERMINATED;

(III) A GUARDIAN, CUSTODIAN, OR A REPRESENTATIVE OF THE MINOR DESIGNATED BY A COURT IF AUTHORIZED TO ACT ON BEHALF OF OR IN LIEU OF A PARENT; OR

(IV) AN INDIVIDUAL AUTHORIZED TO ACT AS A SURROGATE FOR THE PARENT OR GUARDIAN IN ACCORDANCE WITH THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT, 20 U.S.C., § 1415(B)(1)(B) AND § 1480(5).

(3) (6) “PUBLIC AGENCY” MEANS A STATE OR LOCAL GOVERNMENTAL OR QUASI-GOVERNMENTAL ENTITY, INCLUDING A LOCAL PLANNING ENTITY ESTABLISHED OR DESIGNATED IN ACCORDANCE WITH § 11 OF THIS ARTICLE.

[(a)](C) Notwithstanding any other provision of State law and where not prohibited by federal law, ON THE WRITTEN REQUEST OF A REQUESTING PUBLIC AGENCY, a [State] PUBLIC agency [may] SHALL disclose information and PORTIONS OF records [specified in subsection (b) of this section] on children, youth, and families served by that agency to:

(1) Any other [State] PUBLIC agency serving the same children, youth, and families;

(2) Any other [State] PUBLIC agency having children or youth in a program, home, or residential facility funded or licensed by that agency; or