

1-212. WRITTEN CONSENT.

(A) REQUIRED.

EXCEPT WHERE THE CONSENT OF THE PERSON IN INTEREST IS NOT REQUIRED BY LAW, A PUBLIC AGENCY MAY DISCLOSE INFORMATION OR RECORDS UNDER § 1-210 OF THIS SUBTITLE ONLY AFTER OBTAINING WRITTEN CONSENT FROM:

(1) THE PERSON IN INTEREST; OR

(2) ANOTHER INDIVIDUAL AUTHORIZED TO GIVE CONSENT UNDER SUBSECTION (B) OF THIS SECTION.

(B) PERSON IN INTEREST NOT REASONABLY AVAILABLE.

(1) FOR THE PURPOSES OF THIS SUBSECTION, A PERSON IN INTEREST IS CONSIDERED NOT REASONABLY AVAILABLE IF:

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

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

(III) AFTER REASONABLE EFFORTS BY THE REQUESTING PUBLIC 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 MINOR FOR WHOM SERVICES ARE TO BE PROVIDED.

(2) IF THE PERSON IN INTEREST IS NOT REASONABLY AVAILABLE TO GIVE WRITTEN CONSENT, THE FOLLOWING PERSONS, NOT LISTED IN ORDER OF PRIORITY, MAY CONSENT IN WRITING TO THE RELEASE OF INFORMATION OR RECORDS REGARDING A MINOR:

(I) AN ADULT WHO IS ACTING AS THE PARENT OF A MINOR, NOT INCLUDING A TEACHER OR A BABY-SITTER;

(II) A COURT THAT HAS JURISDICTION OVER AN ACTION AFFECTING THE PARENT-CHILD RELATIONSHIP OF WHICH THE MINOR IS THE SUBJECT; OR

(III) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, THE DEPARTMENT OF JUVENILE SERVICES, OR A LOCAL DEPARTMENT OF SOCIAL SERVICES, THAT HAS THE CARE AND CUSTODY OF A MINOR.

(3) A PERSON AUTHORIZED TO CONSENT TO THE RELEASE OF INFORMATION OR RECORDS UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL CONFIRM IN WRITING THAT THE PERSON IN INTEREST IS NOT REASONABLY AVAILABLE.