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By: **Delegate Burns**  
 Introduced and read first time: February 7, 2005  
 Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Child Abuse and Neglect - Procedures**

3 FOR the purpose of requiring, under certain circumstances, a local law enforcement  
 4 officer, who is responding at a family home to a request for help from a minor  
 5 alleging to have been a victim of abuse, to attempt to interview the minor's  
 6 parent or guardian before interviewing the minor; requiring, under certain  
 7 circumstances, a local department of social services or a law enforcement agency  
 8 that is investigating a report of suspected child abuse or neglect to attempt to  
 9 have an on-site interview with the child's caretaker before seeing the child; and  
 10 generally relating to child abuse and neglect investigation procedures.

11 BY repealing and reenacting, with amendments,  
 12 Article - Family Law  
 13 Section 4-502 and 5-706  
 14 Annotated Code of Maryland  
 15 (2004 Replacement Volume)

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

18 **Article - Family Law**

19 4-502.

20 (a) (1) Any person who alleges to have been a victim of abuse and who  
 21 believes there is a danger of serious and immediate personal harm may request the  
 22 help of a local law enforcement unit.

23 (2) [A] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, A local law  
 24 enforcement officer who responds to the request for help shall:

25 (i) protect the person from harm when responding to the request;  
 26 and

27 (ii) accompany the person to the family home so that the person  
 28 may remove the following items, regardless of who paid for the items:



1 ENFORCEMENT AGENCY SHALL ATTEMPT TO HAVE AN ON-SITE INTERVIEW WITH  
2 THE CHILD'S CARETAKER BEFORE SEEING THE CHILD.

3 (c) The investigation under subsection (b) of this section shall include:

4 (1) a determination of the nature, extent, and cause of the abuse or  
5 neglect, if any;

6 (2) if mental injury is suspected, an assessment by two of the following:

7 (i) a licensed physician, as defined in § 14-101 of the Health  
8 Occupations Article;

9 (ii) a licensed psychologist, as defined in § 18-101 of the Health  
10 Occupations Article; or

11 (iii) a licensed social worker, as defined in § 19-101 of the Health  
12 Occupations Article; and

13 (3) if the suspected abuse or neglect is verified:

14 (i) a determination of the identity of the person or persons  
15 responsible for the abuse or neglect;

16 (ii) a determination of the name, age, and condition of any other  
17 child in the household;

18 (iii) an evaluation of the parents and the home environment;

19 (iv) a determination of any other pertinent facts or matters; and

20 (v) a determination of any needed services.

21 (d) On request by the local department, the local State's Attorney shall assist  
22 in an investigation under subsections (b) and (c) of this section.

23 (e) The local department, the appropriate law enforcement agencies, the  
24 State's Attorney within each county and Baltimore City, the department's office  
25 responsible for child care regulation, and the local health officer, shall enter into a  
26 written agreement that specifies standard operating procedures for the investigation  
27 under subsections (b) and (c) of this section and prosecution of reported cases of  
28 suspected abuse.

29 (f) (1) The agencies responsible for investigating reported cases of suspected  
30 sexual abuse, including the local department, the appropriate law enforcement  
31 agencies, and the local State's Attorney, shall implement a joint investigation  
32 procedure for conducting joint investigations of sexual abuse under subsections (b)  
33 and (c) of this section.

34 (2) The joint investigation procedure shall:

- 1 (i) include appropriate techniques for expediting validation of  
2 sexual abuse complaints;
- 3 (ii) include investigation techniques designed to:
- 4 1. decrease the potential for physical harm to the child; and
- 5 2. decrease any trauma experienced by the child in the  
6 investigation and prosecution of the case; and
- 7 (iii) establish an ongoing training program for personnel involved in  
8 the investigation or prosecution of sexual abuse cases.

9 (g) (1) To the extent possible, an investigation under subsections (b) and (c)  
10 of this section shall be completed within 10 days after receipt of the first notice of the  
11 suspected abuse or neglect by the local department or law enforcement agencies.

12 (2) An investigation under subsections (b) and (c) of this section which is  
13 not completed within 30 days shall be completed within 60 days of receipt of the first  
14 notice of the suspected abuse or neglect.

15 (h) Within 10 days after the local department or law enforcement agency  
16 receives the first notice of suspected abuse of a child who lives in this State that is  
17 alleged to have occurred in this State, the local department or law enforcement  
18 agency shall report to the local State's Attorney the preliminary findings of the  
19 investigation.

20 (i) Within 5 business days after completion of the investigation of suspected  
21 abuse of a child who lives in this State that is alleged to have occurred in this State,  
22 the local department and the appropriate law enforcement agency, if that agency  
23 participated in the investigation, shall make a complete written report of its findings  
24 to the local State's Attorney.

25 (j) Promptly after receiving a report of suspected abuse or neglect of a child  
26 who lives in this State that is alleged to have occurred outside of this State, the local  
27 department shall:

28 (1) forward the report to the appropriate agency outside of this State  
29 that is authorized to receive and investigate reports of suspected abuse or neglect;

30 (2) cooperate to the extent requested with the out-of-state agency  
31 investigating the report; and

32 (3) if determined appropriate by the local department:

33 (i) interview the child to assess whether the child is safe; and

34 (ii) provide services to the child and the child's family.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
36 October 1, 2005.

