
By: **Delegates Kelley, Gutierrez, Menes, Shewell, Simmons, and Sophocleus**

Introduced and read first time: February 10, 2005

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Child Abuse or Neglect - Failure to Report - Penalty**

3 FOR the purpose of making it a misdemeanor, subject to a certain penalty, for certain
4 health practitioners, police officers, educators, and human service workers to
5 fail to provide certain notice or make a certain report of suspected child abuse or
6 neglect under certain circumstances; and generally relating to child abuse and
7 neglect.

8 BY repealing and reenacting, without amendments,
9 Article - Family Law
10 Section 5-704(a) and (b)
11 Annotated Code of Maryland
12 (1999 Replacement Volume and 2004 Supplement)

13 BY adding to
14 Article - Family Law
15 Section 5-704(d)
16 Annotated Code of Maryland
17 (1999 Replacement Volume and 2004 Supplement)

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

20 **Article - Family Law**

21 5-704.

22 (a) Notwithstanding any other provision of law, including any law on
23 privileged communications, each health practitioner, police officer, educator, or
24 human service worker, acting in a professional capacity in this State:

25 (1) (i) who has reason to believe that a child has been subjected to
26 abuse, shall notify the local department or the appropriate law enforcement agency;
27 or

1 (ii) who has reason to believe that a child has been subjected to
2 neglect, shall notify the local department; and

3 (2) if acting as a staff member of a hospital, public health agency, child
4 care institution, juvenile detention center, school, or similar institution, shall
5 immediately notify and give all information required by this section to the head of the
6 institution or the designee of the head.

7 (b) (1) An individual who notifies the appropriate authorities under
8 subsection (a) of this section shall make:

9 (i) an oral report, by telephone or direct communication, as soon as
10 possible:

11 1. to the local department or appropriate law enforcement
12 agency if the person has reason to believe that the child has been subjected to abuse;
13 or

14 2. to the local department if the person has reason to believe
15 that the child has been subjected to neglect; and

16 (ii) a written report:

17 1. to the local department not later than 48 hours after the
18 contact, examination, attention, or treatment that caused the individual to believe
19 that the child had been subjected to abuse or neglect; and

20 2. with a copy to the local State's Attorney if the individual
21 has reason to believe that the child has been subjected to abuse.

22 (2) (i) An agency to which an oral report of suspected abuse is made
23 under paragraph (1) of this subsection shall immediately notify the other agency.

24 (ii) This paragraph does not prohibit a local department and an
25 appropriate law enforcement agency from agreeing to cooperative arrangements.

26 (D) A PERSON WHO IS REQUIRED TO PROVIDE NOTICE UNDER SUBSECTION (A)
27 OF THIS SECTION OR MAKE A REPORT UNDER SUBSECTION (B) OF THIS SECTION AND
28 WHO KNOWINGLY FAILS TO PROVIDE THE REQUIRED NOTICE OR MAKE THE
29 REQUIRED REPORT IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT
30 TO A FINE NOT EXCEEDING \$1,000.

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