

Chapter 651

(House Bill 1263)

AN ACT concerning

Family Law – Child Abuse and Neglect – Definitions

FOR the purpose of altering the definition of “abuse” for the purpose of certain child abuse and neglect statutes to include the physical or mental injury of a child by a person who, because of the person’s position or occupation, exercises authority over the child under certain circumstances; providing that “abuse” does not include the physical injury of a child by accidental means; altering the definition of “mental injury” for the purpose of certain child abuse and neglect statutes; making certain conforming changes to the definition of “sexual abuse” for the purpose of certain child abuse and neglect statutes; and generally relating to child abuse and neglect.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 5–701(b), (r), and (x)
Annotated Code of Maryland
(2012 Replacement Volume and 2016 Supplement)

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

Article – Family Law

5–701.

(b) (1) “Abuse” means:

[(1)] (I) the physical or mental injury of a child [by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member,] under circumstances that indicate that the child’s health or welfare is harmed or at substantial risk of being harmed **BY:**

1. A PARENT;
2. A HOUSEHOLD MEMBER OR FAMILY MEMBER;
3. A PERSON WHO HAS PERMANENT OR TEMPORARY CARE OR CUSTODY OF THE CHILD;

4. A PERSON WHO HAS RESPONSIBILITY FOR SUPERVISION OF THE CHILD; OR

5. A PERSON WHO, BECAUSE OF THE PERSON’S POSITION OR OCCUPATION, EXERCISES AUTHORITY OVER THE CHILD; or

[(2)] (II) sexual abuse of a child, whether physical injuries are sustained or not.

(2) “ABUSE” DOES NOT INCLUDE THE PHYSICAL INJURY OF A CHILD BY ACCIDENTAL MEANS.

(r) “Mental injury” means the observable, identifiable, and substantial impairment of a child’s mental or psychological ability to function **CAUSED BY AN INTENTIONAL ACT OR SERIES OF ACTS, REGARDLESS OF WHETHER THERE WAS AN INTENT TO HARM THE CHILD.**

(x) (1) “Sexual abuse” means any act that involves sexual molestation or exploitation of a child by [a parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member]:

(I) A PARENT;

(II) A HOUSEHOLD MEMBER OR FAMILY MEMBER;

(III) A PERSON WHO HAS PERMANENT OR TEMPORARY CARE OR CUSTODY OF THE CHILD;

(IV) A PERSON WHO HAS RESPONSIBILITY FOR SUPERVISION OF THE CHILD; OR

(V) A PERSON WHO, BECAUSE OF THE PERSON’S POSITION OR OCCUPATION, EXERCISES AUTHORITY OVER THE CHILD.

(2) “Sexual abuse” includes:

(i) allowing or encouraging a child to engage in:

1. obscene photography, films, poses, or similar activity;

2. pornographic photography, films, poses, or similar activity; or

3. prostitution;
- (ii) human trafficking;
- (iii) incest;
- (iv) rape;
- (v) sexual offense in any degree;
- (vi) sodomy; and
- (vii) unnatural or perverted sexual practices.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, May 25, 2017.