

HOUSE BILL 81

E1, D4
HB 359/17 – JUD

8lr1054

By: **Delegate Angel**

Introduced and read first time: January 11, 2018

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Child Abuse and Neglect – Mental Injury**

3 FOR the purpose of altering the definition of “mental injury” for the purpose of certain child
4 abuse and neglect statutes; and generally relating to child abuse and neglect.

5 BY repealing and reenacting, without amendments,
6 Article – Family Law
7 Section 5–701(b)
8 Annotated Code of Maryland
9 (2012 Replacement Volume and 2017 Supplement)

10 BY repealing and reenacting, with amendments,
11 Article – Family Law
12 Section 5–701(r)
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2017 Supplement)

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

17 **Article – Family Law**

18 5–701.

19 (b) (1) “Abuse” means:

20 (i) the physical or mental injury of a child under circumstances that
21 indicate that the child’s health or welfare is harmed or at substantial risk of being harmed
22 by:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 1. a parent;
- 2 2. a household member or family member;
- 3 3. a person who has permanent or temporary care or custody
4 of the child;
- 5 4. a person who has responsibility for supervision of the
6 child; or
- 7 5. a person who, because of the person's position or
8 occupation, exercises authority over the child; or

9 (ii) sexual abuse of a child, whether physical injuries are sustained
10 or not.

11 (2) "Abuse" does not include the physical injury of a child by accidental
12 means.

13 (r) (1) "Mental injury" means the observable, identifiable, and substantial
14 impairment of a child's mental or psychological ability to function caused by an intentional
15 act or series of acts, regardless of whether there was an intent to harm the child.

16 (2) **"MENTAL INJURY" INCLUDES THE OBSERVABLE, IDENTIFIABLE,
17 AND SUBSTANTIAL IMPAIRMENT OF A CHILD'S MENTAL OR PSYCHOLOGICAL ABILITY
18 TO FUNCTION THAT RESULTS FROM THE CHILD'S EXPOSURE TO AN ACT THAT
19 CONSTITUTES A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL
20 LAW ARTICLE, COMMITTED BY A PARENT OR HOUSEHOLD OR FAMILY MEMBER
21 AGAINST A PARENT OR HOUSEHOLD OR FAMILY MEMBER.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2018.