

Chapter 54

(House Bill 787)

AN ACT concerning

Crimes – Child Abuse and Neglect – Failure to Report

FOR the purpose of establishing that certain persons who are required to provide certain notice or make certain reports of suspected child abuse or neglect may not knowingly fail to provide the notice or make the report; establishing the misdemeanor of the knowing failure to report child abuse or neglect under certain circumstances; providing certain penalties for a violation of this Act; providing for the application of this Act; and generally relating to child abuse and neglect.

BY adding to

Article – Criminal Law
Section 3–602.2
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Family Law
Section 5–704
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

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

Article – Criminal Law

3–602.2.

(A) A PERSON WHO IS REQUIRED TO PROVIDE NOTICE OF SUSPECTED ABUSE OR NEGLECT OF A CHILD OR MAKE A WRITTEN REPORT OF SUSPECTED ABUSE OR NEGLECT OF A CHILD UNDER § 5–704 OF THE FAMILY LAW ARTICLE MAY NOT KNOWINGLY FAIL TO PROVIDE THE REQUIRED NOTICE OR MAKE THE REQUIRED WRITTEN REPORT IF THE PERSON HAS ACTUAL KNOWLEDGE OF THE ABUSE OR NEGLECT.

(B) ~~THE KNOWLEDGE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION;~~

~~(1) MAY BE INFERRED FROM THE CIRCUMSTANCES;~~

~~(2) INCLUDES ACTUAL KNOWLEDGE OR WILLFUL BLINDNESS; AND~~

~~(3) DOES NOT INCLUDE A DUTY TO INVESTIGATE.~~

~~(e) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$10,000 OR IMPRISONMENT NOT EXCEEDING 3 YEARS OR BOTH.~~

~~(d) THIS SECTION APPLIES ONLY TO A FAILURE TO PROVIDE THE REQUIRED NOTICE OR MAKE THE REQUIRED WRITTEN REPORT THAT OCCURS NOT MORE THAN 7 YEARS AFTER THE VICTIM REACHES THE AGE OF MAJORITY.~~

(c) THIS SECTION APPLIES ONLY TO A FAILURE TO REPORT CHILD ABUSE OR NEGLECT THAT OCCURS DURING THE TIME THE CHILD IS A MINOR.

Article – Family Law

5-704.

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

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

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

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

(i) an oral report, by telephone or direct communication, as soon as possible to the local department or appropriate law enforcement agency; and

(ii) a written report:

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

2. with a copy to the local State's Attorney.

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

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

(c) Insofar as is reasonably possible, an individual who makes a report under this section shall include in the report the following information:

(1) the name, age, and home address of the child;

(2) the name and home address of the child's parent or other person who is responsible for the child's care;

(3) the whereabouts of the child;

(4) the nature and extent of the abuse or neglect of the child, including any evidence or information available to the reporter concerning possible previous instances of abuse or neglect; and

(5) any other information that would help to determine:

(i) the cause of the suspected abuse or neglect; and

(ii) the identity of any individual responsible for the abuse or neglect.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.