
By: Delegates Hixson and Grosfeld

Introduced and read first time: February 5, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Child Abuse and Neglect - Notification of Out-of-State Agencies**

3 FOR the purpose of requiring that certain persons notify an out-of-state agency if a child
4 suspected of being abused or neglected does not live in this State and the suspected
5 abuse or neglect did not occur in this State; requiring a certain written report to be
6 made not later than a certain time period; specifying certain requirements for the
7 notification to an out-of-state agency; and generally relating to certain notification
8 to out-of-state agencies regarding suspected child abuse or neglect.

9 BY renumbering

10 Article - Family Law
11 Section 5-701(q) through (v), respectively
12 to be Section 5-701(r) through (w), respectively
13 Annotated Code of Maryland
14 (1991 Replacement Volume and 1996 Supplement)

15 BY adding to

16 Article - Family Law
17 Section 5-701(q)
18 Annotated Code of Maryland
19 (1991 Replacement Volume and 1996 Supplement)

20 BY repealing and reenacting, with amendments,

21 Article - Family Law
22 Section 5-704(a) and (b)(1), 5-705(a), and 5-706(a) and (b)
23 Annotated Code of Maryland
24 (1991 Replacement Volume and 1996 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
26 MARYLAND, That Section(s) 5-701(q) through (v), respectively, of Article - Family
27 Law of the Annotated Code of Maryland be renumbered to be Section(s) 5-701(r)
28 through (w), respectively.

29 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
30 read as follows:

2

1 **Article - Family Law**

2 5-701.

3 (Q) "OUT-OF-STATE AGENCY" MEANS A SOCIAL SERVICES, LAW
4 ENFORCEMENT, OR COMPARABLE AGENCY OUTSIDE OF THE STATE AUTHORIZED
5 TO RECEIVE AND INVESTIGATE REPORTS OF SUSPECTED CHILD ABUSE AND
6 NEGLECT IN THE JURISDICTION LOCATED OUTSIDE OF THE STATE.

7 5-704.

8 (a) Notwithstanding any other provision of law, including any law on privileged
9 communications, each health practitioner, police officer, or educator or human service
10 worker, acting in a professional capacity, who has reason to believe that a child has been
11 subjected to:

12 (1) (i) abuse, shall notify the local department or the appropriate law
13 enforcement agency; or

14 (ii) neglect, shall notify the local department; and

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

19 (3) IF THE SUSPECTED ABUSE OR NEGLECT DID NOT OCCUR IN THIS
20 STATE AND THE CHILD SUSPECTED OF BEING ABUSED OR NEGLECTED DOES NOT
21 RESIDE IN THIS STATE, IMMEDIATELY NOTIFY THE APPROPRIATE OUT-OF-STATE
22 AGENCY WHERE THE CHILD RESIDES.

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

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

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

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

31 (ii) a written report:

32 1. to the local department not later than 48 hours after
33 MAKING THE ORAL REPORT OR AFTER the contact, examination, attention, or
34 treatment that caused the individual to believe that the child had been subjected to abuse
35 or neglect; and

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

3

1 5-705.

2 (a) (1) Except as provided in paragraphs [(2)] (3) and [(3)] (4) of this
3 subsection, notwithstanding any other provision of law, including a law on privileged
4 communications, a person other than a health practitioner, police officer, or educator or
5 human service worker who has reason to believe that a child has been subjected to abuse
6 or neglect shall:

7 (i) if the person has reason to believe the child has been subjected to
8 abuse, notify the local department or the appropriate law enforcement agency; or

9 (ii) if the person has reason to believe the child has been subjected to
10 neglect, notify the local department.

11 (2) IF THE SUSPECTED ABUSE OR NEGLECT DID NOT OCCUR IN THIS
12 STATE AND THE CHILD SUSPECTED OF BEING ABUSED OR NEGLECTED DOES NOT
13 RESIDE IN THIS STATE, A PERSON SHALL NOTIFY THE APPROPRIATE OUT-OF-STATE
14 AGENCY WHERE THE CHILD RESIDES.

15 [(2)] (3) A person is not required to provide notice under paragraph (1) of
16 this subsection:

17 (i) in violation of the privilege described under § 9-108 of the Courts
18 Article;

19 (ii) if the notice would disclose matter communicated in confidence by
20 a client to the client's attorney or other information relating to the representation of the
21 client; or

22 (iii) in violation of any constitutional right to assistance of counsel.

23 [(3)] (4) A minister of the gospel, clergyman, or priest of an established
24 church of any denomination is not required to provide notice under [paragraph]
25 PARAGRAPHS (1) AND (2) of this subsection if the notice would disclose matter in
26 relation to any communication described in § 9-111 of the Courts Article and:

27 (i) the communication was made to the minister, clergyman, or priest
28 in a professional character in the course of discipline enjoined by the church to which the
29 minister, clergyman, or priest belongs; and

30 (ii) the minister, clergyman, or priest is bound to maintain the
31 confidentiality of that communication under canon law, church doctrine, or practice.

32 5-706.

33 (a) (1) [Promptly] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
34 SUBSECTION, PROMPTLY after receiving a report of suspected abuse or neglect:

35 [(1)] (I) the local department or the appropriate law enforcement agency,
36 or both, if jointly agreed on, shall make a thorough investigation of a report of suspected
37 abuse to protect the health, safety, and welfare of the child or children; or

