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By: **Delegates Benson and Crumlin**

Introduced and read first time: February 4, 1998

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Child Sexual Abuse - Criminal Proceedings**

3 FOR the purpose of requiring a local State's Attorney to initiate criminal proceedings  
4 against an individual alleged to have sexually abused a child under certain  
5 circumstances; and generally relating to child sexual abuse.

6 BY repealing and reenacting, without amendments,  
7 Article - Family Law  
8 Section 5-706(i)  
9 Annotated Code of Maryland  
10 (1991 Replacement Volume and 1997 Supplement)

11 BY repealing and reenacting, with amendments,  
12 Article - Family Law  
13 Section 5-710  
14 Annotated Code of Maryland  
15 (1991 Replacement Volume and 1997 Supplement)

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

18 **Article - Family Law**

19 5-706.

20 (i) Within 5 business days after completion of the investigation of suspected  
21 abuse, the local department and the appropriate law enforcement agency, if that  
22 agency participated in the investigation, shall make a complete written report of its  
23 findings to the local State's Attorney.

24 5-710.

25 (a) Based on its findings and treatment plan, the local department shall  
26 render the appropriate services in the best interests of the child, including, when  
27 indicated, petitioning the juvenile court on behalf of the child for appropriate relief,

1 including the added protection to the child that either commitment or custody would  
2 provide.

3 (b) (1) Promptly after receiving a report from a hospital or health  
4 practitioner of suspected neglect related to drug abuse and conducting an appropriate  
5 investigation, the local department may:

6 (i) file a petition alleging that the child is in need of assistance  
7 under Title 3, Subtitle 8 of the Courts Article; and

8 (ii) offer the mother admission into a drug treatment program.

9 (2) The local department may initiate a judicial proceeding to terminate  
10 a mother's parental rights, if the local department offers the mother admission into a  
11 drug treatment program under this subsection within 90 days after the birth of the  
12 child and the mother:

13 (i) does not accept admission to the program or its equivalent  
14 within 45 days after the offer is made; or

15 (ii) fails to fully participate in the program or its equivalent.

16 (c) If a report has been made to the State's Attorney's office under § 5-706(i) of  
17 this subtitle and the State's Attorney's office is not satisfied with the recommendation  
18 of the local department, the State's Attorney's office may petition the court, at the  
19 time of the report by the representative, to remove the child, if the State's Attorney  
20 concludes that the child is in serious physical danger and that an emergency exists.

21 (D) IF A REPORT HAS BEEN MADE TO THE STATE'S ATTORNEY'S OFFICE UNDER  
22 § 5-706(I) OF THIS SUBTITLE, AND THE REPORT CONTAINS A FINDING OF INDICATED  
23 SEXUAL ABUSE, THE STATE'S ATTORNEY'S OFFICE SHALL INITIATE CRIMINAL  
24 PROCEEDINGS AGAINST THE ALLEGED ABUSER.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 1998.