

SENATE BILL 73

Unofficial Copy  
D4  
HB 1067/97 - JUD

1998 Regular Session  
8lr6085

(PRE-FILED)

---

By: **Chairman, Judicial Proceedings Committee (Departmental - Children,  
Youth and Families)**

Requested: November 14, 1997

Introduced and read first time: January 14, 1998

Assigned to: Judicial Proceedings

---

A BILL ENTITLED

1 AN ACT concerning

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

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

11 BY renumbering  
12 Article - Family Law  
13 Section 5-701(q) through (v), respectively  
14 to be Section 5-701(r) through (w), respectively  
15 Annotated Code of Maryland  
16 (1991 Replacement Volume and 1997 Supplement)

17 BY adding to  
18 Article - Family Law  
19 Section 5-701(q)  
20 Annotated Code of Maryland  
21 (1991 Replacement Volume and 1997 Supplement)

22 BY repealing and reenacting, with amendments,  
23 Article - Family Law  
24 Section 5-704(a) and (b)(1), 5-705(a), and 5-706(a) and (b)  
25 Annotated Code of Maryland  
26 (1991 Replacement Volume and 1997 Supplement)

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

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

7 **Article - Family Law**

8 5-701.

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

13 5-704.

14 (a) Notwithstanding any other provision of law, including any law on  
15 privileged communications, each health practitioner, police officer, or educator or  
16 human service worker, acting in a professional capacity, who has reason to believe  
17 that a child has been subjected to ABUSE OR NEGLECT, SHALL:

18 (1) (i) [abuse, shall] IF THE PERSON HAS REASON TO BELIEVE THE  
19 CHILD HAS BEEN SUBJECTED TO ABUSE, notify the local department or the  
20 appropriate law enforcement agency; or

21 (ii) [neglect, shall] IF THE PERSON HAS REASON TO BELIEVE THE  
22 CHILD HAS BEEN SUBJECTED TO NEGLECT, notify the local department; and

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

27 (3) IF THE SUSPECTED ABUSE OR NEGLECT DID NOT OCCUR IN THIS  
28 STATE AND THE CHILD SUSPECTED OF BEING ABUSED OR NEGLECTED DOES NOT  
29 RESIDE IN THIS STATE, IMMEDIATELY NOTIFY THE APPROPRIATE OUT-OF-STATE  
30 AGENCY WHERE THE CHILD RESIDES OR WHERE THE SUSPECTED ABUSE OR  
31 NEGLECT OCCURRED.

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

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

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

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

6                                   (ii)       a written report:

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

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

13 5-705.

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

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

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

23                                  (2)       IF THE SUSPECTED ABUSE OR NEGLECT DID NOT OCCUR IN THIS  
24 STATE AND THE CHILD SUSPECTED OF BEING ABUSED OR NEGLECTED DOES NOT  
25 RESIDE IN THIS STATE, A PERSON SHALL NOTIFY THE APPROPRIATE OUT-OF-STATE  
26 AGENCY WHERE THE CHILD RESIDES OR WHERE THE SUSPECTED ABUSE OR  
27 NEGLECT OCCURRED.

28                                  [(2)] (3) A person is not required to provide notice under [paragraph (1)]  
29 PARAGRAPHS (1) AND (2) of this subsection:

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

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

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



1                   (3)       decide on the safety of the child, wherever the child is, and of other  
2 children in the household; and

3                   (4)       decide on the safety of other children in the care or custody of the  
4 alleged abuser.

5       SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 1998.