

HOUSE BILL 121

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1999 Regular Session
9lr0189

By: **Chairman, Judiciary Committee (Departmental - Human Resources)**

Introduced and read first time: January 27, 1999

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Child Abuse - Investigations**

3 FOR the purpose of requiring each local department of social services that receives a
4 certain report of suspected child abuse to immediately notify the appropriate
5 law enforcement agency; providing that each local department of social services
6 and law enforcement agency must ensure that each report of suspected child
7 abuse is thoroughly investigated in accordance with certain arrangements; and
8 generally relating to investigations of child abuse.

9 BY repealing and reenacting, with amendments,

10 Article - Family Law

11 Section 5-704 and 5-706

12 Annotated Code of Maryland

13 (1999 Replacement Volume)

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

16 **Article - Family Law**

17 5-704.

18 (a) (1) Notwithstanding any other provision of law, including any law on
19 privileged communications, each health practitioner, police officer, or educator or
20 human service worker, acting in a professional capacity, who has reason to believe
21 that a child has been subjected to:

22 (i) abuse, shall notify the local department or the appropriate law
23 enforcement agency; or

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

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

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

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

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

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

10 (ii) a written report:

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

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

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

18 (II) A LOCAL DEPARTMENT THAT RECEIVES A REPORT OF
19 SUSPECTED ABUSE SHALL IMMEDIATELY NOTIFY IN WRITING THE APPROPRIATE
20 LAW ENFORCEMENT AGENCY.

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

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

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

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

28 (3) the whereabouts of the child;

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

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

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

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

3 5-706.

4 (a) Promptly after receiving a report of suspected abuse or neglect:

5 (1) IN ACCORDANCE WITH A COOPERATIVE ARRANGEMENT, the local
6 department [or] AND the appropriate law enforcement agency[, or both, if jointly
7 agreed on,] shall [make a thorough investigation of a] ENSURE THAT EACH report of
8 suspected abuse IS THOROUGHLY INVESTIGATED to protect the health, safety, and
9 welfare of the child or children; or

10 (2) the local department shall make a thorough investigation of a report
11 of suspected neglect to protect the health, safety, and welfare of the child or children.

12 (b) Within 24 hours after receiving a report of suspected physical or sexual
13 abuse and within 5 days after receiving a report of suspected neglect or suspected
14 mental injury, the local department or the appropriate law enforcement agency shall:

15 (1) see the child;

16 (2) attempt to have an on-site interview with the child's caretaker;

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

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

21 (c) The investigation shall include:

22 (1) a determination of the nature, extent, and cause of the abuse or
23 neglect, if any;

24 (2) if mental injury is suspected, an assessment by two of the following:

25 (i) a licensed physician, as defined in § 14-101 of the Health
26 Occupations Article;

27 (ii) a licensed psychologist, as defined in § 18-101 of the Health
28 Occupations Article; or

29 (iii) a licensed social worker, as defined in § 19-101 of the Health
30 Occupations Article; and

31 (3) if the suspected abuse or neglect is verified:

32 (i) a determination of the identity of the person or persons
33 responsible for the abuse or neglect;

1 (ii) a determination of the name, age, and condition of any other
2 child in the household;

3 (iii) an evaluation of the parents and the home environment;

4 (iv) a determination of any other pertinent facts or matters; and

5 (v) a determination of any needed services.

6 (d) On request by the local department, the local State's Attorney shall assist
7 in the investigation.

8 (e) (1) The local department[,] AND the appropriate law enforcement
9 agencies SHALL ENTER INTO A WRITTEN COOPERATIVE ARRANGEMENT THAT
10 SPECIFIES STANDARD OPERATING PROCEDURES FOR DISCHARGING THEIR JOINT
11 RESPONSIBILITY FOR ENSURING THAT EACH REPORT OF SUSPECTED ABUSE IS
12 THOROUGHLY INVESTIGATED.

13 (2) THE LOCAL DEPARTMENT, the State's Attorney within each county
14 and Baltimore City, the department's office responsible for child care regulation, and
15 the local health officer[,] shall enter into a written agreement that specifies standard
16 operating procedures for the investigation and prosecution of reported cases of
17 suspected abuse.

18 (f) (1) The agencies responsible for investigating reported cases of suspected
19 sexual abuse, including the local department, the appropriate law enforcement
20 agencies, and the local State's Attorney, shall implement a joint investigation
21 procedure for conducting joint investigations of sexual abuse.

22 (2) The joint investigation procedure shall:

23 (i) include appropriate techniques for expediting validation of
24 sexual abuse complaints;

25 (ii) include investigation techniques designed to:

26 1. decrease the potential for physical harm to the child; and

27 2. decrease any trauma experienced by the child in the
28 investigation and prosecution of the case; and

29 (iii) establish an ongoing training program for personnel involved in
30 the investigation or prosecution of sexual abuse cases.

31 (g) (1) To the extent possible, an investigation under this section shall be
32 completed within 10 days after receipt of the first notice of the suspected abuse or
33 neglect by the local department or law enforcement agencies.

34 (2) An investigation which is not completed within 30 days shall be
35 completed within 60 days of receipt of the first notice of the suspected abuse or
36 neglect.

1 (h) Within 10 days after the local department or law enforcement agency
2 receives the first notice of suspected abuse, the local department or law enforcement
3 agency shall report to the local State's Attorney the preliminary findings of the
4 investigation.

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

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
10 effect October 1, 1999.