
By: **Delegates Bozman, Conway, and McClenahan**
Introduced and read first time: February 12, 1999
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Child Abuse and Neglect - Private and Parochial Educators - Failure to**
3 **Report - Penalty**

4 FOR the purpose of establishing a criminal penalty for the failure of private and
5 parochial school educators to report the abuse or neglect of a child; and
6 generally relating to child abuse and neglect.

7 BY repealing and reenacting, with amendments,
8 Article - Family Law
9 Section 5-704
10 Annotated Code of Maryland
11 (1999 Replacement Volume)

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

14 **Article - Family Law**

15 5-704.

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

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

22 (ii) neglect, shall 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.

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

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

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

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

25 (3) the whereabouts of the child;

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

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

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

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

33 (D) A PERSON, ACTING IN A PROFESSIONAL CAPACITY AS AN EDUCATOR IN A
34 PRIVATE OR PAROCHIAL SCHOOL, WHO IS IN VIOLATION OF ANY PROVISION OF THIS

1 SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE
2 NOT EXCEEDING \$500 OR IMPRISONMENT NOT EXCEEDING 90 DAYS OR BOTH.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 July 1, 1999.