

HOUSE BILL 778

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HB 396/96 - JUD

1999 Regular Session
9r1787

By: **Delegates Franchot and Hixson**

Introduced and read first time: February 12, 1999

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Child Abuse and Neglect - Failure to Report**

3 FOR the purpose of making it a misdemeanor for certain health practitioners, police
4 officers, educators, and human service workers required to provide certain
5 notice and make a certain report of suspected child abuse or neglect to
6 knowingly fail to provide the notice or make the report; altering the time period
7 during which certain health practitioners, police officers, educators, and human
8 service workers are required to make a written report to a local department of
9 social services; providing a certain penalty; and generally relating to penalties
10 for knowingly failing to report suspected child abuse or neglect.

11 BY repealing and reenacting, with amendments,
12 Article - Family Law
13 Section 5-704
14 Annotated Code of Maryland
15 (1999 Replacement Volume)

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 5-704.

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

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

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

27 (2) if acting as a staff member of a hospital, public health agency, child
28 care institution, juvenile detention center, school, or similar institution, immediately

1 notify and give all information required by this section to the head of the institution
2 or the designee of the head.

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

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

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

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

12 (ii) a written report:

13 1. to the local department not later than 48 hours after [the
14 contact, examination, attention, or treatment that caused the individual to believe
15 that the child had been subjected to abuse or neglect] MAKING THE ORAL REPORT;
16 and

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

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

21 (ii) This paragraph does not prohibit a local department and an
22 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 (D) A PERSON WHO IS REQUIRED TO PROVIDE NOTICE UNDER SUBSECTION (A)
4 OF THIS SECTION OR REQUIRED TO MAKE A REPORT UNDER SUBSECTION (B) OF THIS
5 SECTION AND WHO KNOWINGLY FAILS TO PROVIDE THE REQUIRED NOTICE OR MAKE
6 THE REQUIRED REPORT IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS
7 SUBJECT TO A FINE NOT EXCEEDING \$1,000.

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