
By: **Delegates Menes and Grosfeld**
Introduced and read first time: January 30, 2002
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Child Abuse and Neglect - Failure to Report - Penalty**

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 willfully
6 and knowingly fail to provide the notice or make the report; altering the time
7 period during which certain health practitioners, police officers, educators, and
8 human service workers are required to make a written report to a local
9 department of social services; providing a certain penalty; providing a certain
10 exception to the reporting requirement; and generally relating to reporting
11 suspected child abuse or neglect.

12 BY repealing and reenacting, with amendments,
13 Article - Family Law
14 Section 5-704
15 Annotated Code of Maryland
16 (1999 Replacement Volume and 2001 Supplement)

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

19 **Article - Family Law**

20 5-704.

21 (a) Notwithstanding any other provision of law, including any law on
22 privileged communications, each health practitioner, police officer, educator, or
23 human service worker, acting in a professional capacity:

24 (1) (i) who has reason to believe that a child has been subjected to
25 abuse, shall notify the local department or the appropriate law enforcement agency;
26 or

27 (ii) who has reason to believe that a child has been subjected to
28 neglect, shall notify the local department; and

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

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

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

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

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

14 (ii) a written report:

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

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

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

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

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

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

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

30 (3) the whereabouts of the child;

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

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

35 (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 WILLFULLY AND KNOWINGLY FAILS TO PROVIDE THE REQUIRED
6 NOTICE OR MAKE THE REQUIRED REPORT IS GUILTY OF A MISDEMEANOR AND ON
7 CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.

8 (E) THE REPORTING REQUIREMENT DOES NOT APPLY IF THE ABUSE OR
9 NEGLECT REFERENCED IN SUBSECTION (A) OF THIS SECTION OCCURRED DURING
10 THE CHILDHOOD OF AN ALLEGED VICTIM WHO IS NOW AN ADULT, UNLESS THERE IS
11 REASON TO BELIEVE THAT OTHER CHILDREN:

12 (1) ARE OR MAY BE AT RISK OF ABUSE OR NEGLECT BY THE ACCUSED;
13 OR

14 (2) MAY BE IN NEED OF SERVICES AS A RESULT OF ABUSE OR NEGLECT
15 BY THE ACCUSED.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
17 effect October 1, 2002.