Unofficial Copy D4 2002 Regular Session 2lr2453

By: Delegates Pitkin, Conroy, Hubbard, and Rosso

Introduced and read first time: February 20, 2002 Assigned to: Rules and Executive Nominations

A BILL ENTITLED

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1	7 77 4	1101	Concerning

2 Child Abuse - Investigations - Stay of Court Proceedings

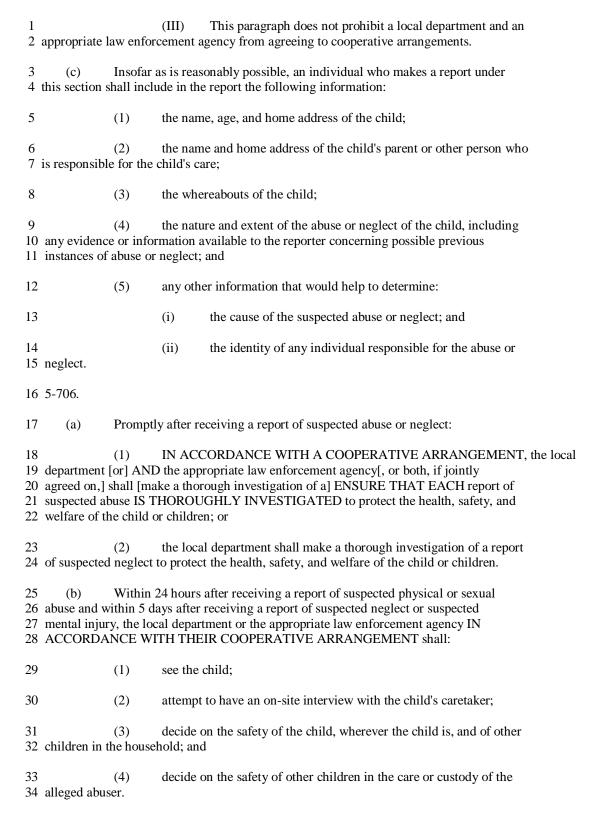
- 3 FOR the purpose of altering the time period during which certain health
- 4 practitioners, police officers, educators, and human service workers are required
- 5 to make a certain written report to a local department of social services;
- 6 requiring each local department that receives a certain report of suspected child
- 7 abuse to immediately notify the appropriate law enforcement agency; providing
- 8 that each local department and law enforcement agency shall ensure that each
- 9 report of suspected child abuse is thoroughly investigated in accordance with
- 10 certain cooperative arrangements; requiring each local department and certain
- 11 law enforcement agencies to enter into certain written cooperative
- arrangements; establishing a crime for the knowing and willful failure to make
- a required investigation or report about suspected abuse or neglect; providing
- for a certain criminal penalty; requiring the court to stay any custody or
- visitation proceeding in which a local department is investigating a charge of
- abuse or neglect until the investigation is completed and certain findings made;
- authorizing the court to stay certain proceedings further when the findings are
- contested; and generally relating to investigations of child abuse and a stay of
- 19 court proceedings concerning custody or visitation.
- 20 BY repealing and reenacting, with amendments,
- 21 Article Family Law
- 22 Section 5-704, 5-706, and 9-101
- 23 Annotated Code of Maryland
- 24 (1999 Replacement Volume and 2001 Supplement)
- 25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 26 MARYLAND, That the Laws of Maryland read as follows:

1 Article - Family Law 2 5-704. 3 Notwithstanding any other provision of law, including any law on (a) privileged communications, each health practitioner, police officer, educator, or 5 human service worker, acting in a professional capacity: 6 who has reason to believe that a child has been subjected to 7 abuse, shall notify the local department or the appropriate law enforcement agency; 8 or 9 (ii) who has reason to believe that a child has been subjected to 10 neglect, shall notify the local department; and if acting as a staff member of a hospital, public health agency, child 12 care institution, juvenile detention center, school, or similar institution, shall 13 immediately notify and give all information required by this section to the head of the 14 institution or the designee of the head. 15 An individual who notifies the appropriate authorities under (b) 16 subsection (a) of this section shall make: 17 an oral report, by telephone or direct communication, as soon as (i) 18 possible: 19 1. to the local department or appropriate law enforcement 20 agency if the person has reason to believe that the child has been subjected to abuse; 21 or 22 to the local department if the person has reason to believe 23 that the child has been subjected to neglect; and 24 a written report: (ii) 25 1. to the local department not later than 48 hours after [the 26 contact, examination, attention, or treatment that caused the individual to believe 27 that the child had been subjected to abuse or neglect] MAKING THE ORAL REPORT; 28 and 29 with a copy to the local State's Attorney if the individual 30 has reason to believe that the child has been subjected to abuse. 31 An agency to which an oral report of suspected abuse is made 32 under paragraph (1) of this subsection shall immediately notify the other agency. A LOCAL DEPARTMENT THAT RECEIVES A REPORT OF 33 (ii)

34 SUSPECTED ABUSE SHALL IMMEDIATELY NOTIFY IN WRITING THE APPROPRIATE

35 LAW ENFORCEMENT AGENCY.

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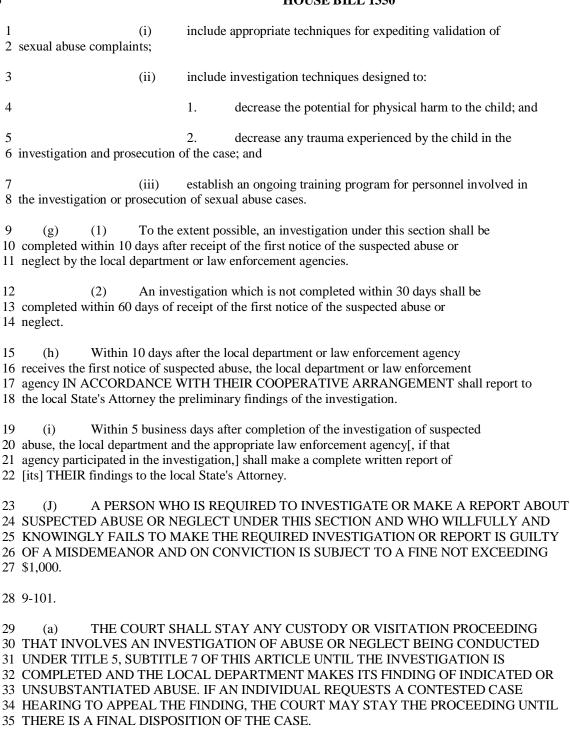


1	(c)	The inv	estigation	shall include:	
2 3	neglect, if an	(1) ay;	a determ	nination of the nature, extent, and cause of the abuse or	
4		(2)	if menta	l injury is suspected, an assessment by two of the following:	
5 6	Occupations	Article;	(i)	a licensed physician, as defined in § 14-101 of the Health	
7 8	Occupations	Article;	(ii) or	a licensed psychologist, as defined in § 18-101 of the Health	
9 10	Occupations	s Article;	(iii) and	a licensed social worker, as defined in § 19-101 of the Health	
11		(3)	if the su	spected abuse or neglect is verified:	
12 13	responsible	for the al	(i) ouse or ne	a determination of the identity of the person or persons eglect;	
14 15	child in the	househol	(ii) d;	a determination of the name, age, and condition of any other	
16			(iii)	an evaluation of the parents and the home environment;	
17			(iv)	a determination of any other pertinent facts or matters; and	
18			(v)	a determination of any needed services.	
19 20	19 (d) On request by the local department, the local State's Attorney shall assist 20 in the investigation.				
23 24	SPECIFIES	STAND BILITY	TER INT ARD OP FOR ENS	al department[,] AND the appropriate law enforcement TO A WRITTEN COOPERATIVE ARRANGEMENT THAT ERATING PROCEDURES FOR DISCHARGING THEIR JOINT SURING THAT EACH REPORT OF SUSPECTED ABUSE IS ATED.	
28 29	the local hea	alth office ocedures	he depart er[,] shall	DCAL DEPARTMENT, the State's Attorney within each county ment's office responsible for child care regulation, and enter into a written agreement that specifies standard avestigation and prosecution of reported cases of	
33	31 (f) (1) The agencies responsible for investigating reported cases of suspected 32 sexual abuse, including the local department, the appropriate law enforcement 33 agencies, and the local State's Attorney, shall implement a joint investigation 34 procedure for conducting joint investigations of sexual abuse.				
35		(2)	The join	t investigation procedure shall:	

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(B)

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In any custody or visitation proceeding, if the court has reasonable grounds

37 to believe that a child has been abused or neglected by a party to the proceeding, the

- 1 court shall determine whether abuse or neglect is likely to occur if custody or
- 2 visitation rights are granted to the party.
- $3 \hspace{0.5cm} \hbox{(b)]} \hspace{0.5cm} \hbox{(C)} \hspace{0.5cm} \hbox{Unless the court specifically finds that there is no likelihood of}$
- 4 further child abuse or neglect by the party, the court shall deny custody or visitation
- 5 rights to that party, except that the court may approve a supervised visitation
- 6 arrangement that assures the safety and the physiological, psychological, and
- 7 emotional well-being of the child.
- 8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 9 October 1, 2002.