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By: **Senators Kelley, Britt, Brochin, Exum, Forehand, Gladden, Grosfeld,  
Hollinger, Hooper, Hughes, Jacobs, Jones, Middleton, and Teitelbaum**  
Introduced and read first time: January 19, 2005  
Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of making it a misdemeanor, subject to a certain penalty, for certain  
4 health practitioners, police officers, educators, and human service workers to  
5 fail to provide certain notice or make a certain report of suspected child abuse or  
6 neglect under certain circumstances; and generally relating to child abuse and  
7 neglect.

8 BY repealing and reenacting, without amendments,  
9 Article - Family Law  
10 Section 5-704(a) and (b)  
11 Annotated Code of Maryland  
12 (1999 Replacement Volume and 2004 Supplement)

13 BY adding to  
14 Article - Family Law  
15 Section 5-704(d)  
16 Annotated Code of Maryland  
17 (1999 Replacement Volume and 2004 Supplement)

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

20 **Article - Family Law**

21 5-704.

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

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

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

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

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

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

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

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

16 (ii) a written report:

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

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

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

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

26 (D) A PERSON WHO IS REQUIRED TO PROVIDE NOTICE UNDER SUBSECTION (A)  
27 OF THIS SECTION OR MAKE A REPORT UNDER SUBSECTION (B) OF THIS SECTION AND  
28 WHO KNOWINGLY FAILS TO PROVIDE THE REQUIRED NOTICE OR MAKE THE  
29 REQUIRED REPORT IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT  
30 TO A FINE NOT EXCEEDING \$1,000.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
32 October 1, 2005.