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By: **Delegate Dumais**

Introduced and read first time: February 8, 2006

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Child Abuse and Neglect - Investigator's Training**

3 FOR the purpose of requiring certain agencies to establish an ongoing training  
4 program for certain personnel involved in the investigation or prosecution of  
5 certain abuse cases; providing for the construction of this Act; and generally  
6 relating to the training of personnel involved in the investigation or prosecution  
7 of certain abuse cases.

8 BY repealing and reenacting, with amendments,  
9 Article - Family Law  
10 Section 5-706  
11 Annotated Code of Maryland  
12 (2004 Replacement Volume and 2005 Supplement)

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

15 **Article - Family Law**

16 5-706.

17 (a) Promptly after receiving a report of suspected abuse or neglect of a child  
18 who lives in this State that is alleged to have occurred in this State:

19 (1) the local department or the appropriate law enforcement agency, or  
20 both, if jointly agreed on, shall make a thorough investigation of a report of suspected  
21 abuse to protect the health, safety, and welfare of the child or children; or

22 (2) the local department shall make a thorough investigation of a report  
23 of suspected neglect to protect the health, safety, and welfare of the child or children.

24 (b) Within 24 hours after receiving a report of suspected physical or sexual  
25 abuse of a child who lives in this State that is alleged to have occurred in this State,  
26 and within 5 days after receiving a report of suspected neglect or suspected mental  
27 injury of a child who lives in this State that is alleged to have occurred in this State,

1 the local department or SPECIALLY TRAINED PERSONNEL OF the appropriate law  
2 enforcement agency shall:

3 (1) see the child;

4 (2) attempt to have an on-site interview with the child's caretaker;

5 (3) decide on the safety of the child, wherever the child is, and of other  
6 children in the household; and

7 (4) decide on the safety of other children in the care or custody of the  
8 alleged abuser.

9 (c) The investigation under subsection (b) of this section shall include:

10 (1) a determination of the nature, extent, and cause of the abuse or  
11 neglect, if any;

12 (2) if mental injury is suspected, an assessment by two of the following:

13 (i) a licensed physician, as defined in § 14-101 of the Health  
14 Occupations Article;

15 (ii) a licensed psychologist, as defined in § 18-101 of the Health  
16 Occupations Article; or

17 (iii) a licensed social worker, as defined in § 19-101 of the Health  
18 Occupations Article; and

19 (3) if the suspected abuse or neglect is verified:

20 (i) a determination of the identity of the person or persons  
21 responsible for the abuse or neglect;

22 (ii) a determination of the name, age, and condition of any other  
23 child in the household;

24 (iii) an evaluation of the parents and the home environment;

25 (iv) a determination of any other pertinent facts or matters; and

26 (v) a determination of any needed services.

27 (d) On request by the local department, the local State's Attorney shall assist  
28 in an investigation under subsections (b) and (c) of this section.

29 (e) The local department, the appropriate law enforcement agencies, the  
30 State's Attorney within each county and Baltimore City, the local department's office  
31 responsible for child care regulation, and the local health officer shall enter into a  
32 written agreement that specifies standard operating procedures for the investigation

1 under subsections (b) and (c) of this section and prosecution of reported cases of  
2 suspected abuse.

3 (f) (1) The agencies responsible for investigating reported cases of suspected  
4 sexual abuse, including the local department, the appropriate law enforcement  
5 agencies, and the local State's Attorney, shall implement a joint investigation  
6 procedure for conducting joint investigations of sexual abuse under subsections (b)  
7 and (c) of this section.

8 (2) The joint investigation procedure shall:

9 (i) include appropriate techniques for expediting validation of  
10 sexual abuse complaints;

11 (ii) include investigation techniques designed to:

12 1. decrease the potential for physical harm to the child; and

13 2. decrease any trauma experienced by the child in the  
14 investigation and prosecution of the case[; and].

15 [(iii)] (G) (1) THE STANDARD OPERATING PROCEDURES UNDER  
16 SUBSECTION (E) OF THIS SECTION AND THE JOINT INVESTIGATION PROCEDURE  
17 UNDER SUBSECTION (F) OF THIS SECTION SHALL establish an ongoing training  
18 program for personnel involved in the investigation or prosecution of [sexual] abuse  
19 cases.

20 (2) (I) THE TRAINING FOR LAW ENFORCEMENT OFFICERS SHALL BE  
21 APPROVED BY THE POLICE TRAINING COMMISSION IN CONSULTATION WITH THE  
22 CHILDREN'S JUSTICE ACT COMMITTEE.

23 (II) THE TRAINING FOR PROSECUTORS SHALL BE APPROVED BY  
24 THE MARYLAND STATE'S ATTORNEYS' ASSOCIATION.

25 [(g)] (H) (1) To the extent possible, an investigation under subsections (b)  
26 and (c) of this section shall be completed within 10 days after receipt of the first notice  
27 of the suspected abuse or neglect by the local department or law enforcement  
28 agencies.

29 (2) An investigation under subsections (b) and (c) of this section which is  
30 not completed within 30 days shall be completed within 60 days of receipt of the first  
31 notice of the suspected abuse or neglect.

32 [(h)] (I) Within 10 days after the local department or law enforcement agency  
33 receives the first notice of suspected abuse of a child who lives in this State that is  
34 alleged to have occurred in this State, the local department or law enforcement  
35 agency shall report to the local State's Attorney the preliminary findings of the  
36 investigation.

1        [(i)]        (J)        Within 5 business days after completion of the investigation of  
2 suspected abuse of a child who lives in this State that is alleged to have occurred in  
3 this State, the local department and the appropriate law enforcement agency, if that  
4 agency participated in the investigation, shall make a complete written report of its  
5 findings to the local State's Attorney.

6        [(j)]        (K)        Promptly after receiving a report of suspected abuse or neglect of a  
7 child who lives in this State that is alleged to have occurred outside of this State, the  
8 local department shall:

9                    (1)        forward the report to the appropriate agency outside of this State  
10 that is authorized to receive and investigate reports of suspected abuse or neglect;

11                    (2)        cooperate to the extent requested with the out-of-state agency  
12 investigating the report; and

13                    (3)        if determined appropriate by the local department:

14                                (i)        interview the child to assess whether the child is safe; and

15                                (ii)       provide services to the child and the child's family.

16        SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be  
17 construed to bar admission of evidence otherwise admissible in an administrative or  
18 judicial hearing.

19        SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 2006.