
By: **Delegate Dumais**

Introduced and read first time: February 8, 2006

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Child Abuse and Neglect - Multidisciplinary Teams**

3 FOR the purpose of requiring each local department of social services to coordinate
4 the services of multidisciplinary teams; authorizing two or more counties to
5 enter into a written agreement to share the services of a combined
6 multidisciplinary team; establishing the membership of the multidisciplinary
7 teams; requiring local departments of social services and law enforcement
8 agencies, by means of multidisciplinary teams, to jointly investigate certain
9 reports of abuse; requiring certain standard operating procedures and joint
10 investigation procedures to establish certain training programs; providing for
11 the construction of this Act; requiring certain reports on the implementation of
12 this Act; and generally relating to the coordination of multidisciplinary teams by
13 local departments of social services.

14 BY repealing and reenacting, with amendments,
15 Article - Family Law
16 Section 5-706
17 Annotated Code of Maryland
18 (2004 Replacement Volume and 2005 Supplement)

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

21 **Article - Family Law**

22 5-706.

23 (A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, EACH
24 LOCAL DEPARTMENT SHALL COORDINATE THE SERVICES OF A MULTIDISCIPLINARY
25 TEAM.

26 (2) THE LOCAL DEPARTMENTS OF TWO OR MORE COUNTIES MAY ENTER
27 INTO A WRITTEN AGREEMENT TO SHARE THE SERVICES OF A COMBINED
28 MULTIDISCIPLINARY TEAM.

1 (3) EACH MULTIDISCIPLINARY TEAM SHALL BE COMPOSED OF:

2 (I) ONE REPRESENTATIVE FROM THE LOCAL DEPARTMENT;

3 (II) ONE REPRESENTATIVE FROM THE OFFICE OF THE STATE'S
4 ATTORNEY; AND

5 (III) ONE LAW ENFORCEMENT OFFICER WHO:

6 1. IS TRAINED IN THE INVESTIGATION OF ABUSE CASES;
7 AND

8 2. HAS COUNTYWIDE JURISDICTION IN THE COUNTY WHERE
9 THE CHILD RESIDES OR WHERE THE ALLEGED OFFENSE OCCURRED.

10 (4) THE MULTIDISCIPLINARY TEAM MAY ALSO INCLUDE A
11 REPRESENTATIVE FROM ONE OF THE MENTAL HEALTH OR HEALTH CARE
12 DISCIPLINES.

13 (5) OTHER INDIVIDUALS MAY BE DESIGNATED TO PARTICIPATE IN A
14 MULTIDISCIPLINARY TEAM AS PROVIDED IN § 5-556 OR § 5-584 OF THIS TITLE OR AS
15 OTHERWISE PROVIDED IN STATE LAW.

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

18 (1) the local department [or] AND the appropriate law enforcement
19 agency, [or both, if jointly agreed on,] JOINTLY BY MEANS OF A MULTIDISCIPLINARY
20 TEAM, shall make a thorough investigation of a report of suspected abuse to protect
21 the health, safety, and welfare of the child or children; or

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

25 [(b)] (C) (1) Within 24 hours after receiving a report of suspected physical or
26 sexual abuse of a child who lives in this State that is alleged to have occurred in this
27 State, and within 5 days after receiving a report of suspected neglect or suspected
28 mental injury of a child who lives in this State that is alleged to have occurred in this
29 State, the local department or the appropriate law enforcement agency shall INITIATE
30 A JOINT INVESTIGATION BY USE OF A MULTIDISCIPLINARY TEAM.

31 (2) AT LEAST TWO MEMBERS OF THE ASSIGNED TEAM SHALL:

32 [(1)] (I) see the child;

33 [(2)] (II) attempt to have an on-site interview with the child's caretaker;

34 [(3)] (III) decide on the safety of the child, wherever the child is, and of
35 other children in the household; and

1 [(4)] (IV) decide on the safety of other children in the care or custody of
2 the alleged abuser.

3 [(c)] (D) The investigation under subsection [(b)] (C) of this section shall
4 include:

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

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

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

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

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

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

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

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

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

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

21 (v) a determination of any needed services.

22 [(d)] (E) On request by the local department, the local State's Attorney shall
23 assist in an investigation under subsections [(b)] (C) and [(c)] (D) of this section.

24 [(e)] (F) The local department, the appropriate law enforcement agencies, the
25 State's Attorney within each county and Baltimore City, the local department's office
26 responsible for child care regulation, and the local health officer shall enter into a
27 written agreement that specifies standard operating procedures for the investigation
28 under subsections [(b)] (C) and [(c)] (D) of this section and prosecution of reported
29 cases of suspected abuse.

30 [(f)] (G) (1) The agencies responsible for investigating reported cases of
31 suspected sexual abuse, including the local department, the appropriate law
32 enforcement agencies, and the local State's Attorney, shall implement a joint
33 investigation procedure for conducting joint investigations of sexual abuse under
34 subsections [(b)] (C) and [(c)] (D) of this section.

35 (2) The joint investigation procedure shall:

1 (i) include appropriate techniques for expediting validation of
2 sexual abuse complaints;

3 (ii) include investigation techniques designed to:

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

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

7 [(iii)] (H) THE STANDARD OPERATING PROCEDURES UNDER
8 SUBSECTION (F) OF THIS SECTION AND THE JOINT INVESTIGATION PROCEDURE
9 UNDER SUBSECTION (G) OF THIS SECTION SHALL establish an ongoing training
10 program for personnel involved in the investigation or prosecution of [sexual] abuse
11 cases.

12 [(g)] (I) (1) To the extent possible, an investigation under subsections [(b)]
13 (C) and [(c)] (D) of this section shall be completed within 10 days after receipt of the
14 first notice of the suspected abuse or neglect by the local department or law
15 enforcement agencies.

16 (2) An investigation under subsections [(b)] (C) and [(c)] (D) of this
17 section which is not completed within 30 days shall be completed within 60 days of
18 receipt of the first notice of the suspected abuse or neglect.

19 [(h)] (J) Within 10 days after the local department or law enforcement agency
20 receives the first notice of suspected abuse of a child who lives in this State that is
21 alleged to have occurred in this State, the local department or law enforcement
22 agency shall report to the local State's Attorney the preliminary findings of the
23 investigation.

24 [(i)] (K) Within 5 business days after completion of the investigation of
25 suspected abuse of a child who lives in this State that is alleged to have occurred in
26 this State, the [local department and the appropriate law enforcement agency, if that
27 agency participated in the investigation] MULTIDISCIPLINARY TEAM shall make a
28 complete written report of its findings to the local State's Attorney.

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

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

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

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

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

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

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

5 SECTION 3. AND BE IT FURTHER ENACTED, That any jurisdiction that
6 determines that personnel are not available to implement § 5-706(a) of the Family
7 Law Article as enacted by Section 1 of this Act shall report to the Secretary of Human
8 Resources and the Secretary of Public Safety and Correctional Services on the
9 personnel needed to implement this Act on or before December 1, 2006. The
10 Secretaries shall compile and report this information, subject to § 2-1246 of the State
11 Government Article, to the General Assembly on or before February 1, 2007.

12 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2006.