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By: **Senator Grosfeld**

Introduced and read first time: February 3, 2006

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Child Abuse and Neglect - Investigations**

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 that certain standard operating procedures and joint  
10 investigation procedures include a requirement that interviews with certain  
11 child victims be videotaped and establish certain training programs; providing  
12 that the failure to videotape an interview of certain children in certain  
13 investigations may not result in an adverse inference in an administrative or  
14 judicial proceeding; providing that a court order is not required to videotape or  
15 audiotape certain interviews; prohibiting the publication of certain videotapes  
16 and audiotapes; requiring multidisciplinary teams to submit certain reports to  
17 the local State's Attorney by a certain time; providing for the construction of this  
18 Act; requiring certain reports on the implementation of this Act; and generally  
19 relating to the coordination of multidisciplinary teams, the investigation of child  
20 abuse and neglect cases, and the use of videotaped interviews of certain children  
21 in certain cases.

22 BY repealing and reenacting, with amendments,  
23 Article - Family Law  
24 Section 5-706  
25 Annotated Code of Maryland  
26 (2004 Replacement Volume and 2005 Supplement)

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

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**Article - Family Law**

2 5-706.

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

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

9 (3) EACH TEAM SHALL BE COMPOSED OF:

10 (I) ONE REPRESENTATIVE FROM THE LOCAL DEPARTMENT;

11 (II) ONE REPRESENTATIVE FROM THE OFFICE OF THE STATE'S  
12 ATTORNEY; AND

13 (III) ONE LAW ENFORCEMENT OFFICER WHO:

14 1. IS TRAINED IN THE INVESTIGATION OF ABUSE CASES;  
15 AND

16 2. HAS COUNTYWIDE JURISDICTION IN THE COUNTY WHERE  
17 THE CHILD RESIDES OR WHERE THE ALLEGED OFFENSE OCCURRED.

18 (4) THE TEAM MAY ALSO INCLUDE A REPRESENTATIVE FROM ONE OF  
19 THE MENTAL HEALTH OR HEALTH CARE DISCIPLINES.

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

23 (6) EACH LOCAL DEPARTMENT SHALL ARRANGE FOR COORDINATION OF  
24 SERVICES BETWEEN A MULTIDISCIPLINARY TEAM AND A CHILD ADVOCACY CENTER  
25 OR CENTER OF EXCELLENCE, OR BOTH, AS DEFINED IN § 13-2201 OF THE HEALTH -  
26 GENERAL ARTICLE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32                    (v)        a determination of any needed services.

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

3 [(e)] (F) (1) The local department, the appropriate law enforcement  
4 agencies, the State's Attorney within each county and Baltimore City, the local  
5 department's office responsible for child care regulation, and the local health officer  
6 shall enter into a written agreement that specifies standard operating procedures for  
7 the investigation under subsections [(b)] (C) and [(c)] (D) of this section and  
8 prosecution of reported cases of suspected abuse.

9 (2) THE STANDARD OPERATING PROCEDURES SHALL INCLUDE A  
10 REQUIREMENT THAT ANY INTERVIEW WITH THE CHILD BE VIDEOTAPED.

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

16 (2) The joint investigation procedure shall:

17 (i) include appropriate techniques for expediting validation of  
18 sexual abuse complaints;

19 (ii) include investigation techniques designed to:

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

21 2. decrease any trauma experienced by the child in the  
22 investigation and prosecution of the case; and

23 (III) INCLUDE A REQUIREMENT THAT ANY INTERVIEW WITH THE  
24 CHILD BE VIDEOTAPED.

25 [(iii)] (H) (1) THE STANDARD OPERATING PROCEDURES UNDER  
26 SUBSECTION (F) OF THIS SECTION AND THE JOINT INVESTIGATION PROCEDURE  
27 UNDER SUBSECTION (G) OF THIS SECTION SHALL establish an ongoing training  
28 program for personnel involved in the investigation or prosecution of [sexual] abuse  
29 cases.

30 (2) (I) THE TRAINING PROGRAM FOR LAW ENFORCEMENT OFFICERS  
31 SHALL BE APPROVED BY THE POLICE TRAINING COMMISSION IN CONSULTATION  
32 WITH THE CHILDREN'S JUSTICE ACT COMMITTEE.

33 (II) THE TRAINING PROGRAM FOR PROSECUTORS SHALL BE  
34 APPROVED BY THE MARYLAND STATE'S ATTORNEY'S ASSOCIATION.

35 (I) (1) THE VIDEOTAPING REQUIREMENT ESTABLISHED IN THIS SECTION  
36 SHALL APPLY SUBJECT TO THE AVAILABILITY OF FUNDS TO PURCHASE THE  
37 NECESSARY EQUIPMENT REQUIRED TO CONDUCT VIDEOTAPED INTERVIEWS.

1           (2)     THE FAILURE TO VIDEOTAPE AN INTERVIEW OF A CHILD IN AN  
2 INVESTIGATION OF ABUSE MAY NOT RESULT IN AN ADVERSE INFERENCE IN AN  
3 ADMINISTRATIVE OR JUDICIAL PROCEEDING.

4           (3)     NOTWITHSTANDING ANY PROVISION OF TITLE 10, SUBTITLE 4 OF  
5 THE COURTS ARTICLE, A COURT ORDER IS NOT REQUIRED TO VIDEOTAPE OR  
6 AUDIOTAPE AN INTERVIEW OF AN ALLEGED CHILD VICTIM.

7           (4)     A VIDEOTAPE OR AUDIOTAPE OF AN INTERVIEW MADE UNDER THIS  
8 SECTION MAY NOT BE PUBLISHED, EXCEPT FOR THE PURPOSES OF A RELATED  
9 JUDICIAL OR ADMINISTRATIVE PROCEEDING, UNLESS AUTHORIZED BY A COURT  
10 ORDER AFTER GIVING INTERESTED PERSONS NOTICE AND AN OPPORTUNITY TO BE  
11 HEARD IN ACCORDANCE WITH THE MARYLAND RULES.

12       [(g)]    (J)     (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)]    (K)     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)]    (L)     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)]    (M)     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

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

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

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