

Department of Legislative Services
Maryland General Assembly
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FISCAL AND POLICY NOTE

Senate Bill 136
Judicial Proceedings

(Senator Kelley, *et al.*)

**Child Abuse and Neglect - Reporting by Commercial Photographic Processors
and Forensic Computer Analysts**

This bill adds commercial photographic processors and forensic computer analysts to those workers who, when they are acting in a professional capacity, are required to report suspected incidences of child abuse or neglect.

Fiscal Summary

State Effect: The bill's provisions could be met with existing resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Health care practitioners, police officers, educators, and human service workers who are acting in a professional capacity, and who have reason to believe that a child has been subjected to abuse, must notify the local department of social services or the appropriate law enforcement agency. If the worker has reason to believe a child has been subjected to neglect, then that person must notify the local department. If the worker is acting as a staff member of a hospital, public health agency, child care institution, juvenile detention center, school, or similar institution, then the individual must notify the head of the institution or the designee.

A worker who notifies the appropriate authorities must make an oral report by telephone or direct communication as soon as possible to the local department or the appropriate

law enforcement agency if the worker has reason to believe the child has been subjected to abuse. If the worker has reason to believe the child has been subjected to neglect, then the individual must make an oral report to the local department. A written report to the local department is required not later than 48 hours after the contact, examination, or treatment that caused the worker to believe that the child had been subjected to abuse or neglect. A copy of the written report must be provided to the local State's Attorney if the worker has reason to believe the child has been subjected to abuse.

An agency that receives an oral report of suspected abuse must immediately notify the other agency. Local departments and law enforcement agencies are not prohibited from agreeing to cooperative arrangements.

As far as reasonably possible, a worker who makes a report must include the name, age, and home address of the child; the name and home address of the child's parent or other person responsible for the child's care; the whereabouts of the child and the nature and extent of the child abuse or neglect. The report must include any available evidence about previous instances of abuse or neglect, and any information that would help to determine the cause of the suspected abuse or neglect and the identity of any person responsible for the abuse or neglect.

In general, a person other than a health care practitioner, police officer, educator, or human service worker who has reason to believe that a child has been subjected to abuse must notify the local department of social services or the appropriate law enforcement agency. If the person has reason to believe a child has been subjected to neglect, then that person must notify the local department. Attorneys and clergy are generally exempt from reporting if they become aware of suspected abuse or neglect through privileged communications, as specified in statute.

Background: Every state and the District of Columbia have laws that identify those people who are required to report suspected incidences of child abuse and neglect. As of 2003, according to the National Clearinghouse on Child Abuse and Neglect, there are 10 states (Alaska, California, Colorado, Illinois, Iowa, Louisiana, Maine, Missouri, Oklahoma, and South Carolina) that require commercial film processors to report suspected incidences of child abuse or neglect. One state, South Carolina, requires computer technicians to report suspected child abuse or neglect. At least 18 states, including Maryland, require all citizens to report suspected abuse or neglect regardless of profession. In Maryland, however, the reporting requirements for a citizen are less stringent than the reporting requirements for covered professionals.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Human Resources, National Clearinghouse on Child Abuse and Neglect, U.S. Department of Health and Human Services (Administration for Children and Families), Department of Legislative Services

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Analysis by: Karen D. Morgan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510