

HOUSE BILL 965

D4, E1

8lr2732
CF SB 243

By: **Delegates Anderson, Aumann, Barve, Branch, Braveboy, Busch, Cardin, G. Clagett, Conaway, DeBoy, Eckardt, Frank, Glenn, Levi, Malone, McConkey, McIntosh, Ramirez, Schuler, Shank, Smigiel, Sophocleus, Stein, Taylor, and Valderrama**

Introduced and read first time: February 7, 2008

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Child Abuse and Neglect – Additional Professions Required to Report**

3 FOR the purpose of expanding the list of individuals who are specifically required to
4 notify the appropriate authorities and make a certain report in a certain
5 manner if the individual, acting in a professional capacity in this State, has
6 reason to believe a child has been subjected to abuse or neglect; and generally
7 relating to reporting child abuse and neglect.

8 BY repealing and reenacting, with amendments,
9 Article – Family Law
10 Section 5–704
11 Annotated Code of Maryland
12 (2006 Replacement Volume and 2007 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 5–704.

17 (a) Notwithstanding any other provision of law, including any law on
18 privileged communications, each health practitioner, police officer, educator,
19 **CORONER, MEDICAL EXAMINER, PAROLE AND PROBATION AGENT**, or human
20 service worker, acting in a professional capacity in this State:

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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
10 soon as possible:

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

14 2. to the local department if the person has reason to
15 believe 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
18 the 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
21 individual 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
23 made under paragraph (1) of this subsection shall immediately notify the other
24 agency.

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

27 (c) Insofar as is reasonably possible, an individual who makes a report under
28 this section shall include in the report the following information:

29 (1) the name, age, and home address of the child;

30 (2) the name and home address of the child's parent or other person
31 who is responsible for the child's care;

32 (3) the whereabouts of the child;

1 (4) the nature and extent of the abuse or neglect of the child, including
2 any evidence or information available to the reporter concerning possible previous
3 instances of abuse or neglect; and

4 (5) any other information that would help to determine:

5 (i) the cause of the suspected abuse or neglect; and

6 (ii) the identity of any individual responsible for the abuse or
7 neglect.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2008.