

SENATE BILL 243

D4, E1

8lr1248

By: **Senators Kelley, Conway, Currie, Della, Exum, Forehand, Gladden,
Jacobs, Jones, Lenett, Middleton, and Stone**
Introduced and read first time: January 23, 2008
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Child Abuse and Neglect – Additional Professions and Failure to**
3 **Report – Penalty**

4 FOR the purpose of expanding the list of individuals who are specifically required to
5 notify the appropriate authorities and make a certain report in a certain
6 manner if the individual, acting in a professional capacity in this State, has
7 reason to believe a child has been subjected to abuse or neglect; making it a
8 misdemeanor, subject to a certain penalty, for certain health practitioners,
9 police officers, educators, coroners, medical examiners, parole and probation
10 agents, computer technicians, and human service workers to fail to provide a
11 certain notice or make a certain report of suspected child abuse or neglect under
12 certain circumstances; and generally relating to reporting child abuse and
13 neglect.

14 BY repealing and reenacting, with amendments,
15 Article – Family Law
16 Section 5–704
17 Annotated Code of Maryland
18 (2006 Replacement Volume and 2007 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 5–704.

23 (a) Notwithstanding any other provision of law, including any law on
24 privileged communications, each health practitioner, police officer, educator,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **CORONER, MEDICAL EXAMINER, PAROLE AND PROBATION AGENT, COMPUTER**
2 **TECHNICIAN**, or human service worker, acting in a professional capacity in this State:

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

5 (ii) who has reason to believe that a child has been subjected to
6 neglect, shall notify the local department; and

7 (2) if acting as a staff member of a hospital, public health agency, child
8 care institution, juvenile detention center, school, or similar institution, shall
9 immediately notify and give all information required by this section to the head of the
10 institution or the designee of the head.

11 (b) (1) An individual who notifies the appropriate authorities under
12 subsection (a) of this section shall make:

13 (i) an oral report, by telephone or direct communication, as
14 soon as possible:

15 1. to the local department or appropriate law
16 enforcement agency if the person has reason to believe that the child has been
17 subjected to abuse; or

18 2. to the local department if the person has reason to
19 believe that the child has been subjected to neglect; and

20 (ii) a written report:

21 1. to the local department not later than 48 hours after
22 the contact, examination, attention, or treatment that caused the individual to believe
23 that the child had been subjected to abuse or neglect; and

24 2. with a copy to the local State's Attorney if the
25 individual has reason to believe that the child has been subjected to abuse.

26 (2) (i) An agency to which an oral report of suspected abuse is
27 made under paragraph (1) of this subsection shall immediately notify the other
28 agency.

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

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

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

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

3 (3) the whereabouts of the child;

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

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

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

9 (ii) the identity of any individual responsible for the abuse or
10 neglect.

11 **(D) A PERSON WHO IS REQUIRED TO PROVIDE NOTICE UNDER**
12 **SUBSECTION (A) OF THIS SECTION OR MAKE A REPORT UNDER SUBSECTION (B)**
13 **OF THIS SECTION AND WHO KNOWINGLY FAILS TO PROVIDE THE REQUIRED**
14 **NOTICE OR MAKE THE REQUIRED REPORT IS GUILTY OF A MISDEMEANOR AND**
15 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.**

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