

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

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 20, 2008

CHAPTER _____

1 AN ACT concerning

2 **Child Abuse and Neglect – Additional Professions and Failure to Report –**
3 **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 knowingly fail to
11 provide a certain notice or make a certain report of suspected child abuse or
12 neglect under certain circumstances; and generally relating to reporting child
13 abuse and 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**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 5-704.

2 (a) Notwithstanding any other provision of law, including any law on
3 privileged communications, each health practitioner, police officer, educator,
4 ~~CORONER, MEDICAL EXAMINER, PAROLE AND PROBATION AGENT, COMPUTER~~
5 ~~TECHNICIAN,~~ or human service worker, acting in a professional capacity in this State:

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

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

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

14 (b) (1) ~~AN~~ **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
15 **SUBSECTION, AN** individual who notifies the appropriate authorities under
16 subsection (a) of this section shall make:

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

19 1. to the local department or appropriate law
20 enforcement agency if the person has reason to believe that the child has been
21 subjected to abuse; or

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

24 (ii) a written report:

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

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

30 **(2) IF THE OFFICE OF THE CHIEF MEDICAL EXAMINER FINDS**
31 **THAT A DEATH INVESTIGATED BY THE OFFICE WAS CAUSED BY OR RELATED TO**
32 **CHILD ABUSE OR NEGLECT, THE OFFICE SHALL SEND A COPY OF THE AUTOPSY**
33 **REPORT:**

1 **(I) TO THE LOCAL DEPARTMENT OR APPROPRIATE LAW**
2 **ENFORCEMENT AGENCY IF THE FINDING WAS THAT THE DEATH WAS CAUSED BY**
3 **OR RELATED TO ABUSE; OR**

4 **(II) TO THE LOCAL DEPARTMENT IF THE FINDING WAS THAT**
5 **THE DEATH WAS CAUSED BY OR RELATED TO NEGLECT.**

6 ~~(2)~~ **(3)** (i) An agency to which an oral report of suspected abuse is
7 made under paragraph (1) of this subsection shall immediately notify the other
8 agency.

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

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

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

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

16 (3) the whereabouts of the child;

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

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

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

22 (ii) the identity of any individual responsible for the abuse or
23 neglect.

24 **(D) A PERSON WHO IS REQUIRED TO PROVIDE NOTICE UNDER**
25 **SUBSECTION (A) OF THIS SECTION OR MAKE A REPORT UNDER SUBSECTION (B)**
26 **OF THIS SECTION AND WHO KNOWINGLY FAILS TO PROVIDE THE REQUIRED**
27 **NOTICE OR MAKE THE REQUIRED REPORT IS GUILTY OF A MISDEMEANOR AND**
28 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.**

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