## **HOUSE BILL 999**

E1, D4 2lr1847

By: Delegates McDermott, Afzali, Aumann, Boteler, DeBoy, Kach, McDonough, and B. Robinson

Introduced and read first time: February 10, 2012

Assigned to: Judiciary

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3-602.2.

## A BILL ENTITLED

1	AN ACT concerning				
2	Crimes - Child Abuse and Neglect - Failure to Report				
3	FOR the purpose of establishing that certain persons who are required to provide				
4	certain notice or make certain reports of suspected child abuse or neglect may				
5	not knowingly fail to give the notice or make the report; establishing the				
6	misdemeanor of the knowing failure to report child abuse or neglect; providing				
7	certain penalties for a violation of this Act; and generally relating to child abuse				
8	and neglect.				
9	BY adding to				
10	Article – Criminal Law				
11	Section 3–602.2				
12	Annotated Code of Maryland				
13	(2002 Volume and 2011 Supplement)				
14	BY repealing and reenacting, without amendments,				
15	Article – Family Law				
16	Section 5–704 and 5–705				
17	Annotated Code of Maryland				
18	(2006 Replacement Volume and 2011 Supplement)				
19	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF				
20	MARYLAND, That the Laws of Maryland read as follows:				
21	Article – Criminal Law				



	2 HOUSE BILL 999
1	(A) A PERSON WHO IS REQUIRED TO PROVIDE NOTICE OF SUSPECTED
2	ABUSE OR NEGLECT OF A CHILD OR MAKE A WRITTEN REPORT OF SUSPECTED
3	ABUSE OR NEGLECT OF A CHILD UNDER § 5–704 OF THE FAMILY LAW ARTICLE
4	MAY NOT KNOWINGLY FAIL TO PROVIDE THE REQUIRED NOTICE OR MAKE THE
5	REQUIRED WRITTEN REPORT.
6	(B) A PERSON WHO IS REQUIRED TO PROVIDE A REPORT OF SUSPECTED
7	ABUSE OR NEGLECT OF A CHILD UNDER § 5–705 OF THE FAMILY LAW ARTICLE
8	MAY NOT KNOWINGLY FAIL TO PROVIDE THE REQUIRED REPORT.
9	(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
10	MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING

## 12 Article – Family Law

\$1,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

13 5–704.

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- 14 (a) Notwithstanding any other provision of law, including any law on 15 privileged communications, each health practitioner, police officer, educator, or human 16 service worker, acting in a professional capacity in this State:
- 17 (1) who has reason to believe that a child has been subjected to abuse 18 or neglect, shall notify the local department or the appropriate law enforcement 19 agency; and
- 20 (2) if acting as a staff member of a hospital, public health agency, child 21 care institution, juvenile detention center, school, or similar institution, shall 22 immediately notify and give all information required by this section to the head of the 23 institution or the designee of the head.
- 24 (b) (1) An individual who notifies the appropriate authorities under 25 subsection (a) of this section shall make:
- 26 (i) an oral report, by telephone or direct communication, as soon as possible to the local department or appropriate law enforcement agency; and
- 28 (ii) a written report:
- 1. to the local department not later than 48 hours after the contact, examination, attention, or treatment that caused the individual to believe that the child had been subjected to abuse or neglect; and
  - 2. with a copy to the local State's Attorney.

1 2 3	(2) neglect is made u other agency.	(i) ınder p	An agency to which an oral report of suspected abuse or aragraph (1) of this subsection shall immediately notify the		
4 5	appropriate law en	(ii) nforcem	This paragraph does not prohibit a local department and an eent agency from agreeing to cooperative arrangements.		
6 7	(c) Insofar as is reasonably possible, an individual who makes a report under this section shall include in the report the following information:				
8	(1)	the na	ame, age, and home address of the child;		
9 10	(2) the name and home address of the child's parent or other person who is responsible for the child's care;				
11	(3)	the w	hereabouts of the child;		
12 13 14	(4) the nature and extent of the abuse or neglect of the child, including any evidence or information available to the reporter concerning possible previous instances of abuse or neglect; and				
15	(5)	any of	ther information that would help to determine:		
16		(i)	the cause of the suspected abuse or neglect; and		
17 18	neglect.	(ii)	the identity of any individual responsible for the abuse or		
19	5-705.				
20 21 22 23 24 25	(a) (1) Except as provided in paragraphs (2) and (3) of this subsection, notwithstanding any other provision of law, including a law on privileged communications, a person in this State other than a health practitioner, police officer, or educator or human service worker who has reason to believe that a child has been subjected to abuse or neglect shall notify the local department or the appropriate law enforcement agency.				
26 27	(2) this subsection:	A per	son is not required to provide notice under paragraph (1) of		
28 29	Courts Article;	(i)	in violation of the privilege described under $\S$ 9–108 of the		
30 31 32	confidence by a crepresentation of t		if the notice would disclose matter communicated in the client's attorney or other information relating to the nt; or		

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October 1, 2012.

1 2	(iii) in violation of any constitutional right to assistance of counsel.					
3 4 5 6	(3) A minister of the gospel, clergyman, or priest of an established church of any denomination is not required to provide notice under paragraph (1) of this subsection if the notice would disclose matter in relation to any communication described in § 9–111 of the Courts Article and:					
7 8 9	(i) the communication was made to the minister, clergyman, or priest in a professional character in the course of discipline enjoined by the church to which the minister, clergyman, or priest belongs; and					
10 11	(ii) the minister, clergyman, or priest is bound to maintain the confidentiality of that communication under canon law, church doctrine, or practice.					
12 13	(b) (1) An agency to which a report of suspected abuse or neglect is made under subsection (a) of this section shall immediately notify the other agency.					
14 15	(2) This subsection does not prohibit a local department and are appropriate law enforcement agency from agreeing to cooperative arrangements.					
16 17	(c) A report made under subsection (a) of this section may be oral or in writing.					
18 19	(d) (1) To the extent possible, a report made under subsection (a) of this section shall include the information required by § 5–704(c) of this subtitle.					
20 21 22	(2) A report made under subsection (a) of this section shall be regarded as a report within the provisions of this subtitle, whether or not the report contains all of the information required by § 5–704(c) of this subtitle.					

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect