

SENATE BILL 613

D4, F1

2lr2257
CF 2lr2253

By: **Senators Raskin, Benson, Brochin, Conway, Dyson, Forehand, Frosh, Gladden, Jacobs, Montgomery, Muse, Peters, Ramirez, Reilly, Rosapepe, and Stone**

Introduced and read first time: February 3, 2012

Assigned to: Education, Health, and Environmental Affairs and Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Child Sexual Abuse Reporting – Training of School Employees**

3 FOR the purpose of requiring the State Board of Education to develop a certain model
4 program by a certain date for training professional school employees on the
5 prevention, identification, and reporting of child sexual abuse; requiring that
6 the model program include certain information; authorizing the model program
7 to include a certain sexual abuse prevention curriculum; requiring certain
8 county boards of education and certain nonpublic schools to develop a certain
9 mandatory training program for all professional school employees by a certain
10 date; requiring certain county boards of education and certain nonpublic schools
11 to provide opportunities to participate in certain training to certain individuals;
12 requiring certain county boards of education and certain nonpublic schools to
13 make available certain information on the warning signs of sexual abuse and
14 certain counseling and resources for certain students in the school handbook
15 and on the school's Web site; defining a certain term; and generally relating to
16 training professional school employees on the prevention, identification, and
17 reporting of child sexual abuse.

18 BY adding to

19 Article – Education
20 Section 7–434
21 Annotated Code of Maryland
22 (2008 Replacement Volume and 2011 Supplement)

23 BY repealing and reenacting, with amendments,

24 Article – Family Law
25 Section 5–704
26 Annotated Code of Maryland
27 (2006 Replacement Volume and 2011 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Education**

4 **7-434.**

5 (A) (1) IN THIS SECTION, “SEXUAL ABUSE” MEANS ANY ACT THAT
6 INVOLVES SEXUAL MOLESTATION OR EXPLOITATION OF A CHILD BY A PARENT
7 OR OTHER PERSON WHO HAS PERMANENT OR TEMPORARY CARE OR CUSTODY
8 OR RESPONSIBILITY FOR SUPERVISION OF A CHILD, OR BY ANY HOUSEHOLD OR
9 FAMILY MEMBER.

10 (2) “SEXUAL ABUSE” INCLUDES:

11 (I) INCEST, RAPE, OR SEXUAL OFFENSE IN ANY DEGREE;

12 (II) SODOMY; AND

13 (III) UNNATURAL OR PERVERTED SEXUAL PRACTICES.

14 (B) (1) BY DECEMBER 1, 2012, THE STATE BOARD, AFTER
15 CONSULTATION AND INPUT FROM LOCAL SCHOOL SYSTEMS, THE DEPARTMENT
16 OF HUMAN RESOURCES, AND THE STATE COUNCIL ON CHILD ABUSE AND
17 NEGLECT, SHALL DEVELOP A MODEL PROGRAM FOR TRAINING PROFESSIONAL
18 SCHOOL EMPLOYEES ON THE PREVENTION, IDENTIFICATION, AND REPORTING
19 OF SEXUAL ABUSE.

20 (2) THE MODEL PROGRAM DEVELOPED UNDER PARAGRAPH (1)
21 OF THIS SUBSECTION SHALL INCLUDE:

22 (I) METHODS TO CREATE SAFE ENVIRONMENTS BY
23 REDUCING OPPORTUNITIES FOR SEXUAL ABUSE;

24 (II) HOW TO PREVENT SEXUAL ABUSE BY RECOGNIZING
25 EARLY WARNING SIGNS OF POTENTIAL ABUSE;

26 (III) INDICATORS OF TYPICAL BEHAVIORS OF SEXUAL
27 PREDATORS, INCLUDING THE GROOMING PROCESS, BOUNDARY VIOLATIONS,
28 AND OTHER INAPPROPRIATE ACTIVITIES;

29 (IV) INFORMATION ON THE INCIDENCE OF SEXUAL ABUSE IN
30 AND CLOSE TO THE HOME OF A STUDENT;

1 **(V) THE SIGNS AND SYMPTOMS OF SEXUAL ABUSE AND**
2 **SEXUAL VIOLENCE;**

3 **(VI) APPROPRIATE RESPONSES TO STUDENTS WHO REPORT**
4 **SEXUAL ABUSE, INCLUDING AVAILABLE COUNSELING AND RESOURCES FOR**
5 **STUDENTS AFFECTED BY SEXUAL ABUSE; AND**

6 **(VII) REQUIREMENTS FOR REPORTING SEXUAL ABUSE TO**
7 **APPROPRIATE STATE AGENCIES, AS REQUIRED UNDER § 5-704 OF THE FAMILY**
8 **LAW ARTICLE.**

9 **(3) THE MODEL PROGRAM DEVELOPED UNDER PARAGRAPH (1)**
10 **OF THIS SUBSECTION MAY INCLUDE AN AGE-APPROPRIATE SEXUAL ABUSE**
11 **PREVENTION CURRICULUM FOR STUDENTS IN PREKINDERGARTEN THROUGH**
12 **GRADE 5.**

13 **(c) BY JUNE 1, 2013, EACH COUNTY BOARD AND NONPUBLIC SCHOOL**
14 **THAT PARTICIPATES IN STATE-FUNDED EDUCATION PROGRAMS SHALL:**

15 **(1) DEVELOP A MANDATORY TRAINING PROGRAM FOR ALL**
16 **PROFESSIONAL SCHOOL EMPLOYEES BASED ON THE MODEL PROGRAM**
17 **DEVELOPED UNDER SUBSECTION (B) OF THIS SECTION;**

18 **(2) PROVIDE OPPORTUNITIES TO PARTICIPATE IN THE TRAINING**
19 **TO ALL SCHOOL VOLUNTEERS AND PARENTS AND GUARDIANS OF STUDENTS;**
20 **AND**

21 **(3) MAKE AVAILABLE TO ALL PARENTS AND GUARDIANS OF**
22 **STUDENTS INFORMATION ON THE WARNING SIGNS OF A CHILD WHO IS BEING**
23 **SEXUALLY ABUSED AND THE AVAILABLE COUNSELING AND RESOURCES FOR A**
24 **STUDENT AFFECTED BY SEXUAL ABUSE:**

25 **(i) IN THE SCHOOL HANDBOOK; AND**

26 **(ii) ON THE SCHOOL'S WEB SITE.**

27 **Article – Family Law**

28 **5-704.**

29 **(a) Notwithstanding any other provision of law, including any law on**
30 **privileged communications, each health practitioner, police officer, educator, or human**
31 **service worker, acting in a professional capacity in this State:**

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

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

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

10 (i) an oral report, by telephone or direct communication, as
11 soon as possible to the local department or appropriate law enforcement agency; and

12 (ii) a written report:

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

16 2. with a copy to the local State's Attorney.

17 (2) (i) An agency to which an oral report of suspected abuse or
18 neglect is made under paragraph (1) of this subsection shall immediately notify the
19 other agency.

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

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

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

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

27 (3) the whereabouts of the child;

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

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

- 1 (i) the cause of the suspected abuse or neglect; and
- 2 (ii) the identity of any individual responsible for the abuse or
- 3 neglect.

4 **(D) THE STATE BOARD OF EDUCATION SHALL DEVELOP A MODEL**
5 **PROGRAM FOR TRAINING PROFESSIONAL SCHOOL EMPLOYEES ON THE**
6 **PREVENTION, IDENTIFICATION, AND REPORTING OF SEXUAL ABUSE, AS**
7 **REQUIRED UNDER § 7-434 OF THE EDUCATION ARTICLE.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 July 1, 2012.