

HOUSE BILL 631

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3lr2464
CF SB 534

By: **Delegates Hough, Hogan, Krebs, McDermott, Mitchell, and Valentino-Smith**

Introduced and read first time: February 1, 2013

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 19, 2013

CHAPTER _____

1 AN ACT concerning

2 **Family Law – Preventing or Interfering with Report of Suspected Child**
3 **Abuse or Neglect**

4 FOR the purpose of prohibiting an individual from preventing or interfering with the
5 making of a certain report of suspected child abuse or neglect; specifying a
6 penalty for a violation of this Act; and generally relating to the reporting of
7 suspected child abuse or neglect.

8 BY repealing and reenacting, without amendments,
9 Article – Family Law
10 Section 5–704(a) and 5–705.1(c)(1) and (2)
11 Annotated Code of Maryland
12 (2012 Replacement Volume)

13 BY adding to
14 Article – Family Law
15 Section 5–705.2
16 Annotated Code of Maryland
17 (2012 Replacement Volume)

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

20 **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, or human
4 service worker, acting in a professional capacity in this State:

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

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

12 5-705.1.

13 (c) (1) If suspected abuse or neglect is alleged to have occurred outside of
14 this State and the victim is currently a child who lives outside of this State, a person
15 who would be required to report suspected abuse or neglect under the provisions of §
16 5-704 or § 5-705 of this subtitle shall report the suspected abuse or neglect to any
17 local department in accordance with paragraph (2) of this subsection.

18 (2) A person described in § 5-704 of this subtitle shall make:

19 (i) an oral report, by telephone or direct communication, as
20 soon as possible; and

21 (ii) a written report not later than 48 hours after the contact,
22 examination, attention, or treatment that caused the person to believe that the child
23 had been subjected to abuse or neglect.

24 **5-705.2.**

25 **(A) AN INDIVIDUAL MAY NOT INTENTIONALLY PREVENT OR INTERFERE**
26 **WITH THE MAKING OF A REPORT OF SUSPECTED ABUSE OR NEGLECT REQUIRED**
27 **BY § 5-704 OR § 5-705.1(C)(2) OF THIS ~~ARTICLE~~ SUBTITLE.**

28 **(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A**
29 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**
30 **EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.**

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2013.