

# SENATE BILL 534

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3lr2205  
CF HB 631

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By: **Senator Shank**

Introduced and read first time: January 31, 2013

Assigned to: Judicial Proceedings

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 18, 2013

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## 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**

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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.**

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.