

Department of Legislative Services  
Maryland General Assembly  
2015 Session

FISCAL AND POLICY NOTE

House Bill 955  
Judiciary

(Delegate Valentino-Smith, *et al.*)

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Child Protection - Reporting Requirements - Threat of Harm

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This bill establishes that workers in a professional capacity who are required to report suspected child abuse or neglect are also required to make a report if the worker has reason to believe that a verbal threat of a substantial risk of imminent harm to a child has been made. The bill also expands existing provisions relating to immunity from civil liability and a prohibition against the prevention of or interference with making reports of suspected abuse or neglect to include reports regarding threats of harm.

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Fiscal Summary

**State Effect:** The bill’s requirements, including any additional investigations for threats of harm, can be handled with existing budgeted resources. The expansion of the penalty provisions is not anticipated to materially impact State finances or operations.

**Local Effect:** The bill’s requirements can be handled with existing budgeted resources. The expansion of the penalty provisions is not anticipated to materially impact local finances or operations.

**Small Business Effect:** None.

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Analysis

**Current Law:** Health care practitioners, police officers, educators, and human service workers who are acting in a professional capacity, and who have reason to believe that a child has been subjected to abuse or neglect, must notify the local department of social services or the appropriate law enforcement agency. An “educator or human service worker” includes any teacher, counselor, social worker, caseworker, and parole or probation officer. If the worker is acting as a staff member of a hospital, public health

agency, child care institution, juvenile detention center, school, or similar institution, then the individual must notify the head of the institution or the designee.

A worker who notifies the appropriate authorities must make an oral report by telephone or direct communication as soon as possible to the local department or the appropriate law enforcement agency if the worker has reason to believe the child has been subjected to abuse or neglect. A written report to the local department is required not later than 48 hours after the contact, examination, or treatment that caused the worker to believe that the child had been subjected to abuse or neglect. A copy of the written report must be provided to the local State's Attorney. An agency that receives an oral report of suspected abuse or neglect must immediately notify the other agency.

As far as reasonably possible, a worker who makes a report must include the name, age, and home address of the child; the name and home address of the child's parent or other person responsible for the child's care; the whereabouts of the child; and the nature and extent of the child abuse or neglect. The report must include any available evidence about previous instances of abuse or neglect, any information that would help to determine the cause of the suspected abuse or neglect, and the identity of any person responsible for the abuse or neglect.

In general, a person other than a health care practitioner, police officer, educator, or human service worker who has reason to believe that a child has been subjected to abuse or neglect must notify the local department of social services or the appropriate law enforcement agency. Attorneys and clergy are generally exempt from reporting if they become aware of suspected abuse or neglect through privileged communications, as specified in statute. Individuals (other than those who are required to report because of their professional capacity) who in good faith make or participate in making a report of abuse or neglect or participate in an investigation or resulting judicial proceeding are immune from civil liability or criminal penalties.

Individuals may not intentionally prevent or interfere with the making of a report of suspected abuse or neglect. Violators are subject to maximum penalties of five years imprisonment and/or a \$10,000 fine.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Anne Arundel, Dorchester, Garrett, Howard, and Montgomery counties; Department of Human Resources; Maryland State Department of Education; Department of Health and Mental Hygiene; Judiciary (Administrative Office of the Courts); Department of State Police; Department of Legislative Services

**Fiscal Note History:** First Reader - March 17, 2015  
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