

HOUSE BILL 931

O4, F5, D4
HB 1550/20 – JUD

11r2362

By: **Delegate Arikan**

Introduced and read first time: February 2, 2021

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 7, 2021

CHAPTER _____

1 AN ACT concerning

2 **Child Care Providers – Notice of Allegations of Child Abuse or Neglect**
3 **(Aiden’s Law)**

4 FOR the purpose of requiring the designee of the State Superintendent of Schools, on
5 receipt of a certain notification of a certain allegation of child abuse or neglect, to
6 ensure that a certain notice has been provided; requiring a certain family child care
7 provider or child care center to provide a certain notice to certain parents and
8 guardians within a certain period of time after first having knowledge of a certain
9 report or incident of suspected child abuse or neglect; specifying the contents of the
10 notice; prohibiting a person from providing the notice under certain circumstances;
11 establishing certain penalties; defining certain terms; and generally relating to child
12 care providers and reports of suspected child abuse or neglect.

13 BY repealing and reenacting, with amendments,
14 Article – Education
15 Section 9.5–309(a), 9.5–312, 9.5–418, and 9.5–419(a)
16 Annotated Code of Maryland
17 (2018 Replacement Volume and 2020 Supplement)

18 BY adding to
19 Article – Education
20 Section 9.5–309.1 and 9.5–419.1
21 Annotated Code of Maryland
22 (2018 Replacement Volume and 2020 Supplement)

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 BY repealing and reenacting, without amendments,
2 Article – Family Law
3 Section 5–704(a), 5–705(a), and 5–705.3
4 Annotated Code of Maryland
5 (2019 Replacement Volume and 2020 Supplement)

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

8 **Article – Education**

9 9.5–309.

10 (a) Upon receipt of the notification required under § 5–705.3 of the Family Law
11 Article, the State Superintendent’s designee shall [convene,]:

12 (1) **CONVENE**, either in person or by telephone, a multidisciplinary team
13 to coordinate procedures in accordance with the agreement developed under § 5–706(f) of
14 the Family Law Article to be followed in investigating and otherwise responding to the
15 report; **AND**

16 (2) **ENSURE THE NOTICE REQUIRED UNDER § 9.5–309.1 OF THIS**
17 **SUBTITLE HAS BEEN PROVIDED BY:**

18 (i) **THE FAMILY CHILD CARE PROVIDER; OR**

19 (ii) **IF MORE APPROPRIATE, ANOTHER PERSON SELECTED BY**
20 **THE STATE SUPERINTENDENT’S DESIGNEE.**

21 **9.5–309.1.**

22 (A) (1) **IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
23 **INDICATED.**

24 (2) **“CHILD ADVOCACY CENTER” HAS THE MEANING STATED IN §**
25 **13–2201 OF THE HEALTH – GENERAL ARTICLE.**

26 (3) **“LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED IN §**
27 **5–701 OF THE FAMILY LAW ARTICLE.**

28 (4) **“LOCAL DEPARTMENT” HAS THE MEANING STATED IN § 5–701 OF**
29 **THE FAMILY LAW ARTICLE.**

30 (B) **EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A FAMILY**
31 **CHILD CARE PROVIDER SHALL PROVIDE NOTICE TO THE PARENTS OR GUARDIANS**

1 OF ALL CHILDREN WHO ARE UNDER THE CARE OF THE CHILD CARE PROVIDER
2 WITHIN 24 HOURS AFTER FIRST HAVING KNOWLEDGE OF:

3 (1) A REPORT REQUIRED UNDER § 5-704 OR § 5-705 OF THE FAMILY
4 LAW ARTICLE OF SUSPECTED CHILD ABUSE OR NEGLECT THAT IS ALLEGED TO HAVE
5 OCCURRED ON THE PREMISES OF THE FAMILY CHILD CARE HOME OR LARGE FAMILY
6 CHILD CARE HOME; OR

7 (2) AN INCIDENT OF SUSPECTED CHILD ABUSE OR NEGLECT THAT IS
8 ALLEGED TO HAVE OCCURRED ON THE PREMISES OF THE FAMILY CHILD CARE HOME
9 OR LARGE FAMILY CHILD CARE HOME.

10 (C) THE NOTICE REQUIRED UNDER SUBSECTION (B) OF THIS SECTION
11 SHALL BE PROVIDED IN WRITING, IN PERSON, OR ELECTRONICALLY, AND SHALL
12 INCLUDE:

13 (1) A STATEMENT THAT A SUSPECTED INCIDENT OF CHILD ABUSE OR
14 NEGLECT OCCURRED ON THE PREMISES OF THE FAMILY CHILD CARE HOME OR
15 LARGE FAMILY CHILD CARE HOME;

16 (2) THE CONTACT INFORMATION FOR THE LOCAL CHILD ADVOCACY
17 CENTER; AND

18 (3) ANY OTHER APPROPRIATE INFORMATION RELATING TO LOCAL
19 RESOURCES FOR CHILD MENTAL HEALTH CARE.

20 (D) A PERSON MAY NOT PROVIDE THE NOTICE REQUIRED UNDER THIS
21 SECTION IF THE LOCAL DEPARTMENT OR LOCAL LAW ENFORCEMENT AGENCY THAT
22 RECEIVES THE REPORT OF SUSPECTED CHILD ABUSE OR NEGLECT ADVISES THAT
23 PROVIDING THE NOTICE WOULD INTERFERE WITH AN ONGOING INVESTIGATION.

24 9.5-312.

25 (a) Except as provided in [subsection] SUBSECTIONS (b) AND (C) of this section
26 and subject to the provisions of subsection [(d)] (E) of this section, a person who violates
27 any provision of this subtitle or any rule or regulation adopted under this subtitle is subject
28 to a civil penalty imposed in a civil action not exceeding \$1,000 for each violation.

29 (b) (1) A person who violates § 9.5-304(a) or (c) of this subtitle and is served a
30 civil citation under that section is subject to a civil penalty as follows:

31 (i) \$250 for the first violation;

32 (ii) \$500 for the second violation; and

1 (iii) \$1,000 for the third and each subsequent violation.

2 (2) Any money collected under this subsection shall be deposited into the
3 General Fund of the State.

4 (3) Any person served with a citation under this subsection may appeal the
5 citation to the Office of Administrative Hearings in accordance with § 10–205 of the State
6 Government Article.

7 **(C) A PERSON WHO VIOLATES § 9.5–309.1 OF THIS SUBTITLE IS SUBJECT TO**
8 **A CIVIL PENALTY NOT EXCEEDING \$500.**

9 **[(c)] (D)** Each day a violation occurs is a separate violation under this section.

10 **[(d)] (E)** The total amount of civil penalties imposed in an action under this
11 section may not exceed \$5,000.

12 9.5–418.

13 (a) Except as provided in [subsection] **SUBSECTIONS (b) AND (C)** of this section
14 and subject to the provisions of subsection **[(d)] (E)** of this section, a person who violates
15 any provision of this subtitle or any rule or regulation adopted under this subtitle is subject
16 to a civil penalty imposed in a civil action not exceeding \$1,000 for each violation.

17 (b) A person who violates § 9.5–405(a) or (e) or § 9.5–416 of this subtitle and is
18 served a civil citation under that section is subject to a civil penalty as follows:

19 (1) \$250 for the first violation;

20 (2) \$500 for the second violation; and

21 (3) \$1,000 for the third and each subsequent violation.

22 **(C) A PERSON WHO VIOLATES § 9.5–419.1 OF THIS SUBTITLE IS SUBJECT TO**
23 **A CIVIL PENALTY NOT EXCEEDING \$500.**

24 **[(c)] (D)** Each day a violation occurs is a separate violation under this section.

25 **[(d)] (E)** The total amount of civil penalties imposed in an action under this
26 section may not exceed \$5,000.

27 9.5–419.

28 (a) On receipt of the notification required under § 5–705.3 of the Family Law
29 Article, the State Superintendent’s designee shall **[convene,]**:

1 **(1) CONVENE**, either in person or by telephone, a multidisciplinary team
2 to coordinate procedures in accordance with the agreement developed under § 5–706(f) of
3 the Family Law Article to be followed in investigating and otherwise responding to the
4 report; **AND**

5 **(2) ENSURE THE NOTICE REQUIRED UNDER § 9.5–419.1 OF THIS**
6 **SUBTITLE HAS BEEN PROVIDED BY:**

7 **(I) THE CHILD CARE CENTER; OR**

8 **(II) IF MORE APPROPRIATE, ANOTHER PERSON SELECTED BY**
9 **THE STATE SUPERINTENDENT’S DESIGNEE.**

10 **9.5–419.1.**

11 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
12 **INDICATED.**

13 **(2) “CHILD ADVOCACY CENTER” HAS THE MEANING STATED IN §**
14 **13–2201 OF THE HEALTH – GENERAL ARTICLE.**

15 **(3) “LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED IN §**
16 **5–701 OF THE FAMILY LAW ARTICLE.**

17 **(4) “LOCAL DEPARTMENT” HAS THE MEANING STATED IN § 5–701 OF**
18 **THE FAMILY LAW ARTICLE.**

19 **(B) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A CHILD**
20 **CARE CENTER SHALL PROVIDE NOTICE TO THE PARENTS OR GUARDIANS OF ALL**
21 **CHILDREN WHO ARE UNDER THE CARE OF THE CHILD CARE CENTER WITHIN 24**
22 **HOURS AFTER FIRST HAVING KNOWLEDGE OF:**

23 **(1) A REPORT REQUIRED UNDER § 5–704 OR § 5–705 OF THE FAMILY**
24 **LAW ARTICLE OF SUSPECTED CHILD ABUSE OR NEGLECT THAT IS ALLEGED TO HAVE**
25 **OCCURRED ON THE PREMISES OF THE CHILD CARE CENTER; OR**

26 **(2) AN INCIDENT OF SUSPECTED CHILD ABUSE OR NEGLECT THAT IS**
27 **ALLEGED TO HAVE OCCURRED ON THE PREMISES OF THE CHILD CARE CENTER.**

28 **(C) THE NOTICE REQUIRED UNDER SUBSECTION (B) OF THIS SECTION**
29 **SHALL BE PROVIDED IN WRITING, IN PERSON, OR ELECTRONICALLY, AND SHALL**
30 **INCLUDE:**

1 (1) A STATEMENT THAT A SUSPECTED INCIDENT OF CHILD ABUSE OR
2 NEGLECT OCCURRED ON THE PREMISES OF THE CHILD CARE CENTER;

3 (2) THE CONTACT INFORMATION FOR THE LOCAL CHILD ADVOCACY
4 CENTER; AND

5 (3) ANY OTHER APPROPRIATE INFORMATION RELATING TO LOCAL
6 RESOURCES FOR CHILD MENTAL HEALTH CARE.

7 (D) A PERSON MAY NOT PROVIDE THE NOTICE REQUIRED UNDER THIS
8 SECTION IF THE LOCAL DEPARTMENT OR LOCAL LAW ENFORCEMENT AGENCY THAT
9 RECEIVES THE REPORT OF SUSPECTED CHILD ABUSE OR NEGLECT ADVISES THAT
10 PROVIDING THE NOTICE WOULD INTERFERE WITH AN ONGOING INVESTIGATION.

11 Article – Family Law

12 5–704.

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

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

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

22 5–705.

23 (a) (1) Except as provided in paragraphs (2) and (3) of this subsection,
24 notwithstanding any other provision of law, including a law on privileged communications,
25 a person in this State other than a health practitioner, police officer, or educator or human
26 service worker who has reason to believe that a child has been subjected to abuse or neglect
27 shall notify the local department or the appropriate law enforcement agency.

28 (2) A person is not required to provide notice under paragraph (1) of this
29 subsection:

30 (i) in violation of the privilege described under § 9–108 of the Courts
31 Article;

32 (ii) if the notice would disclose matter communicated in confidence
33 by a client to the client’s attorney or other information relating to the representation of the

1 client; or

2 (iii) in violation of any constitutional right to assistance of counsel.

3 (3) A minister of the gospel, clergyman, or priest of an established church
4 of any denomination is not required to provide notice under paragraph (1) of this subsection
5 if the notice would disclose matter in relation to any communication described in § 9–111
6 of the Courts Article and:

7 (i) the communication was made to the minister, clergyman, or
8 priest in a professional character in the course of discipline enjoined by the church to which
9 the minister, clergyman, or priest belongs; and

10 (ii) the minister, clergyman, or priest is bound to maintain the
11 confidentiality of that communication under canon law, church doctrine, or practice.

12 5–705.3.

13 In addition to any other provision of law relating to child abuse and neglect, a local
14 department that receives a report of suspected child abuse under § 5–704 or § 5–705 of this
15 subtitle shall notify the State Superintendent of Schools’ designee within 48 hours if the
16 report concerns:

17 (1) a family child care home or large family child care home; or

18 (2) a child care center.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
20 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.