HOUSE BILL 338

D4 2lr1285

By: Delegate Lopez

Introduced and read first time: January 19, 2022

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

- 2 Child Abuse and Neglect - Definition of Neglect 3 FOR the purpose of altering the definition of "neglect" in provisions of law relating to child abuse and neglect and children in need of assistance; and generally relating to child 4 5 abuse and neglect and children in need of assistance. 6 BY repealing and reenacting, with amendments, 7 Article – Courts and Judicial Proceedings 8 Section 3–801(s) 9 Annotated Code of Maryland 10 (2020 Replacement Volume and 2021 Supplement) BY repealing and reenacting, with amendments, Article – Family Law
- 11
- 12
- Section 5-701(s) 13
- 14 Annotated Code of Maryland
- 15 (2019 Replacement Volume and 2021 Supplement)
- SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, 16 That the Laws of Maryland read as follows: 17
- **Article Courts and Judicial Proceedings** 18
- 19 3 - 801.
- 20 (s) **(1)** "Neglect" means the leaving of a child unattended or other failure to 21give proper care and attention to a child by any parent or individual who has permanent or 22temporary care or custody or responsibility for supervision of the child under circumstances
- that indicate: 23



- 1 [(1)] (I) That the child's health or welfare is harmed or placed at 2 substantial risk of harm: or 3 That the child has suffered mental injury or been placed at [(2)] (II) substantial risk of mental injury. 4 "NEGLECT" DOES NOT INCLUDE, ON THE PART OF A VICTIM OF 5 **(2)** 6 DOMESTIC VIOLENCE: 7 **(I)** FAILING TO PROTECT THE CHILD FROM WITNESSING 8 DOMESTIC VIOLENCE; 9 (II)FAILING TO LEAVE THE HOME IN WHICH THE ALLEGED 10 PERPETRATOR RESIDES: 11 (III) FAILING TO END A RELATIONSHIP WITH THE ALLEGED 12 PERPETRATOR; 13 (IV) FAILING TO REPORT THE DOMESTIC VIOLENCE TO LAW 14 ENFORCEMENT OR THE LOCAL DEPARTMENT OF SOCIAL SERVICES; OR 15 **(V)** FAILING TO SEEK AN ORDER OF PROTECTION AGAINST THE 16 ALLEGED PERPETRATOR. Article - Family Law 17 18 5-701.19 "Neglect" means the leaving of a child unattended or other failure to give proper care and attention to a child by any parent or other person who has permanent 20 or temporary care or custody or responsibility for supervision of the child under 21circumstances that indicate: 2223 that the child's health or welfare is harmed or placed at [(1)] (I) substantial risk of harm; or 2425mental injury to the child or a substantial risk of mental injury. [(2)] (II) "NEGLECT" DOES NOT INCLUDE, ON THE PART OF A VICTIM OF 26 **(2)** 27 DOMESTIC VIOLENCE:
- 28 (I) FAILING TO PROTECT THE CHILD FROM WITNESSING 29 DOMESTIC VIOLENCE;

1	(II)	FAILING	TO	LEAVE	THE	HOME	IN	WHICH	THE	ALLEGED
2	PERPETRATOR RESIDES	S;								

- 3 (III) FAILING TO END A RELATIONSHIP WITH THE ALLEGED 4 PERPETRATOR;
- 5 (IV) FAILING TO REPORT THE DOMESTIC VIOLENCE TO LAW 6 ENFORCEMENT OR THE LOCAL DEPARTMENT OF SOCIAL SERVICES; OR
- 7 (V) FAILING TO SEEK AN ORDER OF PROTECTION AGAINST THE 8 ALLEGED PERPETRATOR.
- 9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 10 October 1, 2022.