

Chapter 653

(Senate Bill 182)

AN ACT concerning

Adult Protective Services – Modifications

FOR the purpose of altering provisions relating to the reporting and investigation of abuse, neglect, self–neglect, and exploitation of vulnerable adults; and generally relating to adult protective services.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 14–101, 14–302, and 14–303
Annotated Code of Maryland
(2019 Replacement Volume and 2025 Supplement)

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

Article – Family Law

14–101.

(a) In this title the following words have the meanings indicated.

(b) “Abuse” means the sustaining of any physical injury, **PSYCHOLOGICAL HARM, OR SEXUAL ABUSE** by a vulnerable adult as a result of cruel or inhumane treatment or as a result of a malicious act by [any person] **AN INDIVIDUAL IN A RELATIONSHIP OF TRUST WITH THE VULNERABLE ADULT.**

(c) “Director” means the director of the local department in the county where the vulnerable adult lives.

(d) “Disabled person” has the meaning stated in § 13–101(e) of the Estates and Trusts Article.

(e) “Emergency” means any condition in which an individual is living that presents a substantial risk of death or immediate and serious physical harm to the individual or others.

(f) “Exploitation” means any action which involves the **NONCONSENSUAL** misuse of a vulnerable adult’s funds[,] **OR** property[, or person] **BY AN INDIVIDUAL IN A RELATIONSHIP OF TRUST WITH THE VULNERABLE ADULT.**

(g) “Health practitioner” includes any person who is authorized to practice healing under the Health Occupations Article.

(h) (1) “Human service worker” means any professional employee of any public or private health or social services agency or provider.

(2) “Human service worker” includes:

(i) any social worker; and

(ii) any caseworker.

(I) “INDICATED” MEANS A FINDING THAT IT IS MORE LIKELY THAN NOT THAT:

(1) THE INDIVIDUAL IS A VULNERABLE ADULT;

(2) ABUSE, NEGLECT, SELF-NEGLECT, OR EXPLOITATION HAS OCCURRED; AND

(3) THE INDIVIDUAL IS AT RISK OF HARM.

[(i)] (J) “Law enforcement agency” means a State, county, or municipal police department, bureau, or agency.

[(j)] (K) Except as provided in §§ 14–201, 14–402, and 14–403 of this title, “local department” means the local department that has jurisdiction in the county:

(1) where the vulnerable adult lives;

(2) for purposes of a notice received under § 11–307 of the Corporations and Associations Article, where an individual who is at least 65 years old lives; or

(3) where the abuse is alleged to have taken place.

[(k)] (L) “Local State’s Attorney” means the State’s Attorney for the county:

(1) where the vulnerable adult lives; or

(2) where the abuse is alleged to have taken place.

[(l)] (M) (1) “Neglect” means the willful deprivation of a vulnerable adult of adequate food, clothing, essential medical treatment or habilitative therapy, shelter, or supervision **BY AN INDIVIDUAL IN A RELATIONSHIP OF TRUST WITH THE VULNERABLE ADULT.**

(2) “Neglect” does not include the providing of nonmedical remedial care and treatment for the healing of injury or disease, with the consent of the vulnerable adult, recognized by State law instead of medical treatment.

(N) “NOT INDICATED” MEANS A FINDING THAT IT IS MORE LIKELY THAN NOT THAT:

(1) THE INDIVIDUAL IS NOT A VULNERABLE ADULT;

(2) ABUSE, NEGLECT, SELF-NEGLECT, OR EXPLOITATION HAS NOT OCCURRED; OR

(3) THE INDIVIDUAL IS NOT AT RISK OF HARM.

[(m)] (O) “Police officer” means any State or local officer who is authorized to make arrests as part of the officer’s official duty.

(P) “PSYCHOLOGICAL HARM” MEANS THE OBSERVABLE, IDENTIFIABLE, AND SUBSTANTIAL IMPAIRMENT OF A VULNERABLE ADULT’S ABILITY TO FUNCTION DUE TO SEVERE EMOTIONAL DISTRESS CAUSED BY AN INTENTIONAL ACT OR SERIES OF ACTS.

(Q) (1) “RELATIONSHIP OF TRUST” MEANS A RELATIONSHIP THAT INCLUDES A RATIONAL EXPECTATION THAT A RELATIVE, FRIEND, HOUSEHOLD MEMBER, CAREGIVER, OR OTHER PERSON WITH WHOM A RELATIONSHIP EXISTS SHOULD BE RELIED ON TO PROTECT THE INTERESTS OF A VULNERABLE ADULT OR PROVIDE FOR THE VULNERABLE ADULT’S CARE.

(2) “RELATIONSHIP OF TRUST” INCLUDES A RELATIONSHIP IN WHICH THE RATIONAL EXPECTATION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION IS BASED ON AN ASSUMPTION OF RESPONSIBILITY FOR CARE AND PROTECTION OF THE VULNERABLE ADULT OR ON A LEGAL OR SOCIAL CONVENTION.

[(n)] (R) “Review board” means the adult public guardianship review board.

(S) “RISK OF HARM” MEANS THE STRONG LIKELIHOOD THAT AN INDIVIDUAL WILL IMMINENTLY EXPERIENCE AN EVENT, CONDITION, INJURY, OR OTHER OUTCOME THAT IS ADVERSE OR DETRIMENTAL TO THE INDIVIDUAL.

[(o)] (T) “Secretary” means the Secretary of Human Services.

[(p)] (U) “Self-neglect” means the inability of a vulnerable adult to provide the vulnerable adult with the services:

- (1) that are necessary for the vulnerable adult's physical and mental health; and
- (2) the absence of which impairs or threatens the vulnerable adult's well-being.

(V) (1) "SEXUAL ABUSE" MEANS NONCONSENSUAL SEXUAL INTERACTION WITH A VULNERABLE ADULT.

(2) "SEXUAL ABUSE" INCLUDES:

(I) INCEST;

(II) RAPE;

(III) SEXUAL OFFENSE IN ANY DEGREE; AND

(IV) ANY OTHER SEXUAL CONDUCT THAT IS A CRIME.

(W) "UNDETERMINED" MEANS A FINDING THAT THERE IS INSUFFICIENT INFORMATION TO DETERMINE WHETHER:

(1) THE INDIVIDUAL IS A VULNERABLE ADULT;

(2) ABUSE, NEGLECT, SELF-NEGLECT, OR EXPLOITATION HAS OCCURRED; OR

(3) THE INDIVIDUAL IS AT RISK OF HARM.

[(q)] (X) "Vulnerable adult" means an adult who lacks the physical or mental capacity to provide for the adult's daily needs.

14-302.

(a) (1) Except as provided in paragraph (2) of this subsection, notwithstanding any law on privileged communications, each health practitioner, police officer, or human service worker who contacts, examines, attends, or treats an alleged vulnerable adult, and who has reason to believe that the alleged vulnerable adult has been subjected to abuse, neglect, self-neglect, or exploitation shall:

(i) notify the local department; and

(ii) if acting as a staff member of a hospital or public health agency, immediately notify and give all the information required by this section to the head of the institution or the designee of the head.

(2) An ombudsman, as defined in § 10–901 of the Human Services Article, shall comply with 42 U.S.C. § 3058g(d)(2) and may not disclose the identity of a resident or complainant except as authorized under 42 U.S.C. § 3058g(d)(2).

(b) An individual who is required to make a report under subsection (a) of this section shall make the report as soon as possible:

- (1) by telephone[.];
- (2) by direct communication[, or];
- (3) **BY ENTERING INFORMATION IN AN ONLINE REPORTING PORTAL;**
- (4) in writing to the local department; or
- (5) by calling the statewide reporting hotline.

(c) Any individual other than a health practitioner, human service worker, or police officer who has reason to believe that an alleged vulnerable adult has been subjected to abuse, neglect, self–neglect, or exploitation may file with the local department an oral or written report of the suspected abuse, neglect, self–neglect, or exploitation.

(d) Insofar as is reasonably possible, an individual who makes a report under this section shall include in the report the following information:

- (1) the name, age, and home address of the alleged vulnerable adult;
- (2) the name and home address of the person responsible for the care of the alleged vulnerable adult;
- (3) the whereabouts of the alleged vulnerable adult;
- (4) the nature of the alleged vulnerable adult’s incapacity;
- (5) the nature and extent of the abuse, neglect, self–neglect, or exploitation of the alleged vulnerable adult, including evidence or information available to the reporter concerning previous injury possibly resulting from abuse, neglect, self–neglect, or exploitation; and
- (6) any other information that would help to determine:

(i) the cause of the suspected abuse, neglect, self–neglect, or exploitation; and

(ii) the identity of any individual responsible for the abuse, neglect, [self–neglect,] or exploitation.

14–303.

(a) To protect the welfare of the alleged vulnerable adult the local department shall begin a thorough investigation:

(1) within 5 working days after the receipt of the report of suspected abuse, neglect, self–neglect, or exploitation; or

(2) within 24 hours after the receipt of the report of suspected abuse, neglect, self–neglect, or exploitation if the report indicates that an emergency exists.

(b) The investigation shall include:

(1) a determination of whether:

(i) the individual is a vulnerable adult; [and]

(ii) there has been abuse, neglect, self–neglect, or exploitation; and

(III) THE INDIVIDUAL IS AT RISK OF HARM; AND

(2) if the individual is determined to be a vulnerable adult [and], to have suffered abuse, neglect, self–neglect, or exploitation, **AND TO BE AT RISK OF HARM:**

(i) a determination of the nature, extent, and cause of the abuse, neglect, self–neglect, or exploitation;

(ii) a determination of the identity of the person or persons responsible for the abuse, neglect, self–neglect, or exploitation;

(iii) an evaluation of the home environment; and

(iv) a determination of any other pertinent facts.

(c) (1) On request by the local department, the local State’s Attorney or the appropriate law enforcement agency shall assist in the investigation.

(2) As appropriate, the local office on aging or the Department of Aging, local geriatric evaluation service, or any other public or private agency, including a fiduciary institution, providing services or care to the alleged vulnerable adult or whose

information or expertise may be of assistance in assessing risk or planning services may assist in the investigation on the request by the local department.

(3) As appropriate in an investigation, the local department may request the assistance of a federal law enforcement officer, as defined in § 2-104 of the Criminal Procedure Article.

(4) Any agencies set out in this subsection may jointly agree to cooperative arrangements for investigation.

(d) [An investigation under this section shall be completed] **THE LOCAL DEPARTMENT SHALL COMPLETE AN INVESTIGATION AND MAKE AN INDICATED, NOT INDICATED, OR UNDETERMINED FINDING** within[:

(1)] 60 days[; or

(2) 10 days if the report indicates that an emergency exists].

(e) Parties participating in an investigation may share pertinent client information relevant to the investigation.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2026.

Approved by the Governor, May 26, 2026.