

Article - Family Law

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§5–701.

(a) Except as otherwise provided in § 5–705.1 of this subtitle, in this subtitle the following words have the meanings indicated.

(b) (1) “Abuse” means:

(i) the physical or mental injury of a child under circumstances that indicate that the child’s health or welfare is harmed or at substantial risk of being harmed by:

1. a parent;
2. a household member or family member;
3. a person who has permanent or temporary care or custody of the child;
4. a person who has responsibility for supervision of the child; or

5. a person who, because of the person’s position or occupation, exercises authority over the child;

(ii) sexual abuse of a child, whether physical injuries are sustained or not; or

(iii) labor trafficking of a child by any individual.

(2) “Abuse” does not include the physical injury of a child by accidental means.

(c) “Administration” means the Social Services Administration of the Department.

(d) “Centralized confidential database” means the Department’s confidential computerized data system that contains information regarding child abuse and neglect investigations and assessments.

(e) “Child” means any individual under the age of 18 years.

(f) Repealed.

(g) (1) “Educator or human service worker” means any professional employee of any correctional, public, parochial or private educational, health, juvenile service, social or social service agency, institution, or licensed facility.

(2) “Educator or human service worker” includes:

- (i) any teacher;
- (ii) any counselor;
- (iii) any social worker;
- (iv) any caseworker; and
- (v) any probation or parole officer.

(h) “Family member” means a relative by blood, adoption, or marriage of a child.

(i) (1) “Health practitioner” includes any person who is authorized to practice healing under the Health Occupations Article or § 13–516 of the Education Article.

(2) “Health practitioner” does not include an emergency medical dispatcher.

(j) “Household” means the location:

- (1) in which the child resides;
- (2) where the abuse or neglect is alleged to have taken place; or
- (3) where the person suspected of abuse or neglect resides.

(k) “Household member” means a person who lives with, or is a regular presence in, a home of a child at the time of the alleged abuse or neglect.

(l) “Indicated” means a finding that there is credible evidence, which has not been satisfactorily refuted, that abuse, neglect, or sexual abuse did occur.

(m) “Labor trafficking” means knowingly:

(1) taking, placing, harboring, persuading, inducing, or enticing a child by force, fraud, or coercion to provide services or labor; or

(2) receiving a benefit or thing of value from the provision of services or labor by a child that was induced by force, fraud, or coercion.

(n) (1) “Law enforcement agency” means a State, county, or municipal police department, bureau, or agency.

(2) “Law enforcement agency” includes:

- (i) a State, county, or municipal police department or agency;
- (ii) a sheriff’s office;
- (iii) a State’s Attorney’s office; and
- (iv) the Attorney General’s office.

(o) Except as provided in §§ 5–705.1 and 5–714 of this subtitle, “local department” means the local department that has jurisdiction in the county:

- (1) where the allegedly abused or neglected child lives; or
- (2) if different, where the abuse or neglect is alleged to have taken place.

(p) “Local department case file” means that component of the Department’s confidential computerized database that contains information regarding child abuse and neglect investigations to which access is limited to the local department staff responsible for the investigation.

(q) “Local State’s Attorney” means the State’s Attorney for the county:

- (1) where the allegedly abused or neglected child lives; or
- (2) if different, where the abuse or neglect is alleged to have taken place.

(r) “Mental injury” means the observable, identifiable, and substantial impairment of a child’s mental or psychological ability to function caused by an intentional act or series of acts, regardless of whether there was an intent to harm the child.

(s) “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 or temporary care or custody or responsibility for supervision of the child under circumstances that indicate:

(1) that the child’s health or welfare is harmed or placed at substantial risk of harm; or

(2) mental injury to the child or a substantial risk of mental injury.

(t) “Police officer” means any State or local officer who is authorized to make arrests as part of the officer’s official duty.

(u) “Record” means the original or any copy of any documentary material, in any form, including a report of suspected child abuse or neglect, that is made by, received by, or received from the State, a county, or a municipal corporation in the State, or any subdivision or agency concerning a case of alleged child abuse or neglect.

(v) “Report” means an allegation of abuse or neglect, made or received under this subtitle.

(w) “Ruled out” means a finding that abuse, neglect, or sexual abuse did not occur.

(x) “Sex trafficking” means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a child for the purpose of a commercial sex act.

(y) “Sexual abuse” means any act that involves:

(1) sexual molestation or exploitation of a child by:

(i) a parent;

(ii) a household member or family member;

(iii) a person who has permanent or temporary care or custody of the child;

(iv) a person who has responsibility for supervision of the child; or

(v) a person who, because of the person's position or occupation, exercises authority over the child; or

(2) sex trafficking of a child by any individual.

(z) "Sexual molestation or exploitation" includes:

(1) allowing or encouraging a child to engage in:

(i) obscene photography, films, poses, or similar activity;

(ii) pornographic photography, films, poses, or similar activity;

or

(iii) prostitution;

(2) incest;

(3) rape;

(4) sexual offense in any degree; and

(5) any other sexual conduct that is a crime.

(aa) "Unsubstantiated" means a finding that there is an insufficient amount of evidence to support a finding of indicated or ruled out.

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