

SENATE BILL 484

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CF 6lr1685

By: **Senator McKay**

Introduced and read first time: February 2, 2026

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Child Abuse and Neglect – Reporting**

3 FOR the purpose of altering certain provisions of law relating to the reporting of child abuse
4 and neglect and the reporting of certain information regarding certain children at
5 risk of harm to require reporting to the Department of Human Services instead of to
6 the local department of social services or the appropriate law enforcement agency;
7 requiring the Department to establish a centralized intake system for reports, assess
8 reports for validity, and assign reports to the appropriate local department to
9 investigate; and generally relating to child abuse and neglect.

10 BY repealing and reenacting, without amendments,
11 Article – Family Law
12 Section 5–101(a) and (e)
13 Annotated Code of Maryland
14 (2019 Replacement Volume and 2025 Supplement)

15 BY adding to
16 Article – Family Law
17 Section 5–703.1
18 Annotated Code of Maryland
19 (2019 Replacement Volume and 2025 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Family Law
22 Section 5–704, 5–704.1(a), 5–704.2(c), (g), and (h), 5–704.3, 5–705, 5–705.3, 5–706(b),
23 (c), (h), (n), and (s), 5–706.2, 5–707, and 5–710(b)(1)
24 Annotated Code of Maryland
25 (2019 Replacement Volume and 2025 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Family Law

5–101.

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

(e) “Department” means the State Department of Human Services.

5–703.1.

(A) THE DEPARTMENT SHALL MAINTAIN A CENTRALIZED INTAKE SYSTEM FOR REPORTS SUBMITTED UNDER THIS SUBTITLE.

(B) ON RECEIPT OF A REPORT OF CHILD ABUSE OR NEGLECT SUBMITTED UNDER THIS SUBTITLE OR A REPORT SUBMITTED UNDER § 5–704.1, § 5–704.2, OR § 5–704.3 OF THIS SUBTITLE, THE DEPARTMENT SHALL:

(1) RECORD THE REPORT IN THE CENTRALIZED INTAKE SYSTEM;

(2) ASSESS THE REPORT FOR VALIDITY; AND

(3) ASSIGN THE REPORT TO THE APPROPRIATE LOCAL DEPARTMENT FOR INVESTIGATION.

5–704.

(a) Notwithstanding any other provision of law, including any law on privileged communications, each health practitioner, police officer, educator, or human service worker, acting in a professional capacity in this State who has reason to believe that a child has been subjected to abuse or neglect:

(1) shall notify the [local department or the appropriate law enforcement agency] **DEPARTMENT**; and

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

(b) **[(1)]** An individual who notifies the appropriate authorities under subsection (a) of this section shall make:

1 [(i)] (1) an oral report, by telephone or direct communication, as
2 soon as possible to the [local department or appropriate law enforcement agency]
3 **DEPARTMENT**; and

4 [(ii)] (2) a written report:

5 [1.] (I) to the [local department] **DEPARTMENT** not later
6 than 48 hours after the contact, examination, attention, or treatment that caused the
7 individual to believe that the child had been subjected to abuse or neglect; and

8 [2.] (II) with a copy to the local State's Attorney.

9 [(2) (i) An agency to which an oral report of suspected abuse or neglect
10 is made under paragraph (1) of this subsection shall immediately notify the other agency.

11 (ii) This paragraph does not prohibit a local department and an
12 appropriate law enforcement agency from agreeing to cooperative arrangements.]

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

15 (1) the name, age, and home address of the child;

16 (2) the name and home address of the child's parent or other person who is
17 responsible for the child's care;

18 (3) the whereabouts of the child;

19 (4) the nature and extent of the abuse or neglect of the child, including any
20 evidence or information available to the reporter concerning possible previous instances of
21 abuse or neglect; and

22 (5) any other information that would help to determine:

23 (i) the cause of the suspected abuse or neglect; and

24 (ii) the identity of any individual responsible for the abuse or neglect.

25 5-704.1.

26 (a) An individual may notify the [local department or the appropriate law
27 enforcement agency] **DEPARTMENT** if the individual has reason to believe that a parent,
28 guardian, or caregiver of a child allows the child to reside with or be in the regular presence
29 of an individual, other than the child's parent or guardian, who:

(1) is registered under Title 11, Subtitle 7 of the Criminal Procedure Article based on the commission of an offense against a child; and

(2) based on additional information, poses a substantial risk of sexual abuse to the child.

5–704.2.

(c) Except as provided in subsection (e) of this section, a health care practitioner involved in the delivery or care of a substance–exposed newborn shall:

(1) make an oral report to the [local department] **DEPARTMENT** as soon as possible; and

(2) make a written report to the [local department] **DEPARTMENT** not later than 48 hours after the contact, examination, attention, treatment, or testing that prompted the report.

(g) Within 48 hours after [receiving the notification pursuant to subsection (c) of this section] **A LOCAL DEPARTMENT IS ASSIGNED TO INVESTIGATE A REPORT OF A SUBSTANCE–EXPOSED NEWBORN UNDER § 5–703.1(B)(3) OF THIS SUBTITLE**, the local department shall:

(1) see the newborn in person;

(2) consult with a health care practitioner with knowledge of the newborn’s condition and the effects of any prenatal alcohol or drug exposure; and

(3) attempt to interview the newborn’s mother and any other individual responsible for care of the newborn.

(h) (1) Promptly after [receiving a report under subsection (c) of this section] **A LOCAL DEPARTMENT IS ASSIGNED TO INVESTIGATE A REPORT OF A SUBSTANCE–EXPOSED NEWBORN UNDER § 5–703.1(B)(3) OF THIS SUBTITLE**, the local department shall assess the risk of harm to and the safety of the newborn to determine whether any further intervention is necessary.

(2) If the local department determines that further intervention is necessary, the local department shall:

(i) develop a plan of safe care for the newborn;

(ii) assess and refer the family for appropriate services, including alcohol or drug treatment; and

(iii) as necessary, develop a plan to monitor the safety of the newborn and the family's participation in appropriate services.

5-704.3.

A local department that [receives] **IS ASSIGNED TO INVESTIGATE** a report of suspected abuse or neglect under **§ 5-703.1(B)(3) OF** this subtitle involving a child who is a suspected victim of sex trafficking or labor trafficking shall refer the child to any appropriate regional navigator, as defined in § 5-704.4 of this subtitle, for the jurisdiction where the trafficking occurred or where the child is a resident for services.

5-705.

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

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

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

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

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

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

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

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

(b) [(1) An agency to which a report of suspected abuse or neglect is made under subsection (a) of this section shall immediately notify the other agency.

(2) This subsection does not prohibit a local department and an appropriate law enforcement agency from agreeing to cooperative arrangements.

(c)] A report made under subsection (a) of this section may be oral or in writing.

[(d)] (C) (1) To the extent possible, a report made under subsection (a) of this section shall include the information required by § 5–704(c) of this subtitle.

(2) A report made under subsection (a) of this section shall be regarded as a report within the provisions of this subtitle, whether or not the report contains all of the information required by § 5–704(c) of this subtitle.

5–705.3.

In addition to any other provision of law relating to child abuse and neglect, a local department that [receives] **IS ASSIGNED TO INVESTIGATE** a report of suspected child abuse under [§ 5–704 or § 5–705] **§ 5–703.1(B)(3)** of this subtitle shall notify the State Superintendent of Schools' designee within 48 hours if the report concerns:

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

(2) a child care center.

5–706.

(b) Promptly after [receiving] **A LOCAL DEPARTMENT IS ASSIGNED UNDER § 5–703.1(B)(3) OF THIS SUBTITLE TO INVESTIGATE** a report of suspected abuse or neglect of a child who lives in this State that is alleged to have occurred in this State, the local department or the appropriate law enforcement agency, or both, if jointly agreed on, shall make a thorough investigation of a report of suspected abuse or neglect to protect the health, safety, and welfare of the child or children.

(c) Within 24 hours after [receiving] **A LOCAL DEPARTMENT IS ASSIGNED UNDER § 5–703.1(B)(3) OF THIS SUBTITLE TO INVESTIGATE** a report of suspected physical or sexual abuse of a child who lives in this State that is alleged to have occurred in this State, and within 5 days after [receiving] **A LOCAL DEPARTMENT IS ASSIGNED UNDER § 5–703.1(B)(3) OF THIS SUBTITLE TO INVESTIGATE** a report of suspected neglect or suspected mental injury of a child who lives in this State that is alleged to have occurred in this State, the local department or the appropriate law enforcement agency shall:

(1) see the child;

(2) attempt to have an on-site interview with the child's caretaker;

(3) decide on the safety of the child, wherever the child is, and of other children in the household; and

(4) decide on the safety of other children in the care or custody of the alleged abuser.

(h) (1) To the extent possible, an investigation under subsections (c) and (d) of this section shall be completed **BY THE LOCAL DEPARTMENT** within 10 days after [receipt of the first notice of] **THE LOCAL DEPARTMENT IS ASSIGNED TO INVESTIGATE** the suspected abuse or neglect [by the local department or law enforcement agencies] **UNDER § 5-703.1(B)(3) OF THIS SUBTITLE.**

(2) An investigation under subsections (c) and (d) of this section that is not completed within 30 days shall be completed within 60 days [of receipt of the first notice of] **AFTER THE LOCAL DEPARTMENT IS ASSIGNED TO INVESTIGATE** the suspected abuse or neglect **UNDER § 5-703.1(B)(3) OF THIS SUBTITLE.**

(n) A report that is not assigned for an alternative response shall be assigned for investigation in accordance with this [section] **SUBTITLE.**

(s) The **DEPARTMENT AND THE** local department:

(1) shall:

(i) maintain complete records related to an alternative response and services for 3 years after the report was received if there is no subsequent child welfare involvement; and

(ii) expunge complete records related to an alternative response and services if there is no subsequent child welfare involvement after 3 years;

(2) may not use or disclose records related to an alternative response for purposes of responding to a request for background information for employment or voluntary services; and

(3) shall protect from disclosure records related to an alternative response in accordance with § 1-202 of the Human Services Article.

5-706.2.

(a) [(1) A local department or a law enforcement agency may receive a report under § 5-704.1 of this subtitle that a child is at substantial risk of sexual abuse.

(2) If a law enforcement agency receives the report, the law enforcement agency shall immediately refer the report to the local department.

(3)] The Secretary of Human Services shall adopt regulations governing[:

(i) how staff in a local department should elicit information when receiving a report under § 5–704.1 of this subtitle; and

(ii)] the definition of substantial risk of sexual abuse as used in this subtitle.

(b) (1) Except as provided in paragraph (3) of this subsection, after [confirming] **A LOCAL DEPARTMENT IS ASSIGNED UNDER § 5–703.1(B)(3) OF THIS SUBTITLE TO INVESTIGATE A REPORT AND HAS CONFIRMED** that the allegations in the report regarding the individual's history are accurate and that there is specific information that the child is at substantial risk of sexual abuse, the local department shall make a thorough investigation to protect the health, safety, and welfare of any child or children who may be at substantial risk of sexual abuse.

(2) The local department shall conduct the investigation jointly with an appropriate law enforcement agency.

(3) If a subsequent report is [received] **ASSIGNED TO THE LOCAL DEPARTMENT UNDER § 5–703.1(B)(3) TO INVESTIGATE** regarding an individual with a history of sexual abuse that alleges substantially the same facts as a report that the local department has previously investigated, the local department may decline to make an investigation of the subsequent report.

(c) Within 5 days after [receiving] **A LOCAL DEPARTMENT IS ASSIGNED UNDER § 5–703.1(B)(3) OF THIS SUBTITLE TO INVESTIGATE** the report, the local department and the appropriate law enforcement agency shall:

(1) see the child in person;

(2) attempt to have an on-site interview with the child's caregiver and the individual identified in the report as an individual registered under Title 11, Subtitle 7 of the Criminal Procedure Article based on the commission of an offense against a child;

(3) decide on the safety and level of risk to the child, wherever the child is, and of other children in the household; and

(4) decide on the safety and level of risk of other children in the care or custody of the individual identified in the report as an individual registered under Title 11, Subtitle 7 of the Criminal Procedure Article based on the commission of an offense against a child.

(d) To the extent possible, an investigation under this section shall be completed as soon as practicable but not later than 30 days after receipt of the [report] **ASSIGNMENT**.

(e) As part of the investigation, the local department shall:

(1) determine whether the child is safe;

(2) determine whether sexual abuse of the child has occurred;

(3) if appropriate, offer services to the family; and

(4) immediately decide whether to file a petition alleging that the child is in need of assistance.

5–707.

(a) Subject to federal and State law, the Administration shall provide by regulation adopted in accordance with Title 10, Subtitle 1 of the State Government Article:

(1) procedures for protecting the confidentiality of reports and records made in accordance with this subtitle;

(2) conditions under which information may be released;

(3) conditions for determining in cases whether abuse, neglect, or sexual abuse is indicated, ruled out, or unsubstantiated; and

(4) procedures for the appeal processes provided in this subtitle.

(b) (1) The **DEPARTMENT AND THE** local department shall expunge a report of suspected abuse or neglect and all assessments and investigative findings:

(i) within 5 years after the date of referral if the investigation under § 5–706 of this subtitle concludes that the report is unsubstantiated, and no further reports of abuse or neglect are received during the 5 years; and

(ii) subject to paragraph (2) of this subsection, within 2 years after the date of referral if the report is ruled out, and no further reports of abuse or neglect are received during the 2 years.

(2) If a report is ruled out, the **DEPARTMENT AND THE** local department may, on good cause shown, immediately expunge the report and all assessments and investigative findings.

5–710.

(b) (1) Promptly after [receiving] **A LOCAL DEPARTMENT IS ASSIGNED UNDER § 5–703.1(B)(3) OF THIS SUBTITLE TO INVESTIGATE** a report from a hospital or health practitioner of suspected neglect related to drug abuse and conducting an appropriate investigation, the local department may:

1 (i) file a petition alleging that the child is in need of assistance
2 under Title 3, Subtitle 8 of the Courts Article; and

3 (ii) offer the mother admission into a drug treatment program.

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