

HOUSE BILL 389

D4, E1

7lr0464
CF 7lr2256

By: **Delegates Sanchez, Barron, and Sydnor**

Introduced and read first time: January 25, 2017

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Child Abuse and Neglect – Failure to Report – Penalty**

3 FOR the purpose of making it a misdemeanor subject to certain penalties for a health
4 practitioner, police officer, educator, or human service worker to fail to report child
5 abuse or neglect under certain circumstances; and generally relating to the reporting
6 of child abuse and neglect.

7 BY repealing and reenacting, with amendments,
8 Article – Family Law
9 Section 5–704
10 Annotated Code of Maryland
11 (2012 Replacement Volume and 2016 Supplement)

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

14 **Article – Family Law**

15 5–704.

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (i) an oral report, by telephone or direct communication, as soon as
4 possible to the local department or appropriate law enforcement agency; and

5 (ii) a written report:

6 1. to the local department not later than 48 hours after the
7 contact, examination, attention, or treatment that caused the individual to believe that the
8 child had been subjected to abuse or neglect; and

9 2. with a copy to the local State's Attorney.

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

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

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

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

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

19 (3) the whereabouts of the child;

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

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

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

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

26 **(D) AN INDIVIDUAL REQUIRED TO PROVIDE NOTICE AND INFORMATION**
27 **UNDER SUBSECTION (A) OF THIS SECTION WHO, WITH ACTUAL KNOWLEDGE THAT A**
28 **CHILD HAS BEEN ABUSED OR NEGLECTED, FAILS TO PROVIDE THE NOTICE AND**
29 **INFORMATION OR MAKE A REPORT REQUIRED UNDER SUBSECTION (B) OF THIS**
30 **SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO**

1 IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$2,500 OR
2 BOTH.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2017.