SENATE BILL 568

E1, D4

By: **Senator Lee** Introduced and read first time: February 4, 2019 Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

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Crimes – Child Abuse and Neglect – Failure to Report

- FOR the purpose of establishing that certain persons who are required to provide certain
 notice or make certain reports of suspected child abuse or neglect may not knowingly
 fail to provide the notice or make the report; establishing the misdemeanor of the
 knowing failure to report child abuse or neglect under certain circumstances;
 providing certain penalties for a violation of this Act; providing for the application of
 this Act; and generally relating to child abuse and neglect.
- 9 BY adding to
- 10 Article Criminal Law
- 11 Section 3–602.2
- 12 Annotated Code of Maryland
- 13 (2012 Replacement Volume and 2018 Supplement)
- 14 BY repealing and reenacting, without amendments,
- 15 Article Family Law
- 16 Section 5–704
- 17 Annotated Code of Maryland
- 18 (2012 Replacement Volume and 2018 Supplement)
- 19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, 20 That the Laws of Maryland read as follows:
- 21

Article – Criminal Law

22 **3–602.2**.

23(A)A PERSON WHO IS REQUIRED TO PROVIDE NOTICE OF SUSPECTED24ABUSE OR NEGLECT OF A CHILD OR MAKE A WRITTEN REPORT OF SUSPECTED ABUSE



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OR NEGLECT OF A CHILD UNDER § 5-704 OF THE FAMILY LAW ARTICLE MAY NOT 1 $\mathbf{2}$ KNOWINGLY FAIL TO PROVIDE THE REQUIRED NOTICE OR MAKE THE REQUIRED 3 WRITTEN REPORT IF THE PERSON HAS KNOWLEDGE OF THE ABUSE OR NEGLECT.

4	(B)	THE KNOWLEDGE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION:
5		(1) MAY BE INFERRED FROM THE CIRCUMSTANCES;
6		(2) INCLUDES ACTUAL KNOWLEDGE; AND
7		(3) DOES NOT INCLUDE A DUTY TO INVESTIGATE.
8	(C)	A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
9	AND ON O	CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR
10	IMPRISONN	MENT NOT EXCEEDING 6 MONTHS OR BOTH.
11	(D)	THIS SECTION APPLIES ONLY TO A FAILURE TO PROVIDE THE REQUIRED
10	NOTICE OD	ΜΑΚΕ ΤΗΕ DEALIDED WDITTEN DEDADT ΤΗΛΤ ΑΔΔΙΙΝΟ ΝΑΤ ΜΑDE ΤΗΛΝ

12NOTICE OR MAKE THE REQUIRED WRITTEN REPORT THAT OCCURS NOT MORE THAN 13 7 YEARS AFTER THE VICTIM REACHES THE AGE OF MAJORITY.

- **Article Family Law**
- 5 704. 15

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

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

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

25(b) An individual who notifies the appropriate authorities under subsection (1)(a) of this section shall make: 26

27(i) an oral report, by telephone or direct communication, as soon as possible to the local department or appropriate law enforcement agency; and 28

- 29
- a written report:

(ii)

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1. to the local department not later than 48 hours after the

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$\frac{1}{2}$	contact, examination, attention, or treatment that caused the individual to believe that the child had been subjected to abuse or neglect; and		
3	2. with a copy to the local State's Attorney.		
45	(2) (i) An agency to which an oral report of suspected abuse or neglect is made under paragraph (1) of this subsection shall immediately notify the other agency.		
$6 \\ 7$	(ii) This paragraph does not prohibit a local department and an appropriate law enforcement agency from agreeing to cooperative arrangements.		
$\frac{8}{9}$	(c) Insofar as is reasonably possible, an individual who makes a report under this section shall include in the report the following information:		
10	(1) the name, age, and home address of the child;		
$\frac{11}{12}$	(2) the name and home address of the child's parent or other person who is responsible for the child's care;		
13	(3) the whereabouts of the child;		
$\begin{array}{c} 14\\ 15\\ 16 \end{array}$	(4) the nature and extent of the abuse or neglect of the child, including any evidence or information available to the reporter concerning possible previous instances of abuse or neglect; and		
17	(5) any other information that would help to determine:		
18	(i) the cause of the suspected abuse or neglect; and		
19	(ii) the identity of any individual responsible for the abuse or neglect.		
20 21	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.		