

HOUSE BILL 1321

D4
HB 955/15 – JUD

7lr3097
CF 7lr3115

By: **Delegate Valentino-Smith**

Introduced and read first time: February 10, 2017

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Child Protection – Reporting Requirements – Threat of Harm**

3 FOR the purpose of requiring a certain individual acting in a professional capacity to notify
4 the local department of social services or the appropriate law enforcement agency if
5 the individual has reason to believe that a verbal threat of a substantial risk of
6 imminent harm to a child has been made; prohibiting a person from preventing or
7 interfering with the making of a report under this Act; providing certain immunity
8 to a person who participates in certain activities relating to a report made under this
9 Act; making conforming changes; and generally relating to child abuse and neglect
10 and requiring the reporting of threats of harm to a child.

11 BY repealing and reenacting, with amendments,
12 Article – Family Law
13 Section 5–704, 5–705.2(a), and 5–708
14 Annotated Code of Maryland
15 (2012 Replacement Volume and 2016 Supplement)

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

18 **Article – Family Law**

19 5–704.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(1) [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 **IF THE PERSON HAS REASON TO BELIEVE THAT:**

(I) A CHILD HAS BEEN SUBJECTED TO ABUSE OR NEGLECT; OR

(II) A VERBAL THREAT OF A SUBSTANTIAL RISK OF IMMINENT HARM TO A CHILD HAS BEEN MADE; 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:

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

(ii) a written report:

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

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

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

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

(c) 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 child;

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

(3) the whereabouts of the child;

(4) the nature and extent of the abuse or neglect **[of] OR THREAT OF HARM TO** the child, including any evidence or information available to the reporter concerning possible previous instances of abuse or neglect **OR THREATS OF HARM**; and

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

(i) the cause of the suspected abuse or neglect **OR THREAT OF HARM**; and

(ii) the identity of any individual responsible for the abuse or neglect **OR THREAT OF HARM**.

5–705.2.

(a) An individual may not intentionally prevent or interfere with the making of a report of suspected abuse or neglect **OR THREAT OF HARM** required by § 5–704 or § 5–705.1(c)(2) of this subtitle.

5–708.

Any person who makes or participates in making a report of abuse or neglect **OR THREAT OF HARM** under § 5–704, § 5–705, or § 5–705.1 of this subtitle or a report of substantial risk of sexual abuse under § 5–704.1 of this subtitle or participates in an investigation or a resulting judicial proceeding shall have the immunity described under § 5–620 of the Courts and Judicial Proceedings Article from civil liability or criminal penalty.

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