

HOUSE BILL 1263

D4

7lr2983
CF SB 996

By: **Delegate Dumais**

Introduced and read first time: February 10, 2017

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of altering the definition of “abuse” for the purpose of certain child abuse
4 and neglect statutes to include the physical or mental injury of a child by a person
5 who, because of the person’s position or occupation, exercises authority over the child
6 under certain circumstances; providing that “abuse” does not include the physical
7 injury of a child by accidental means; altering the definition of “mental injury” for
8 the purpose of certain child abuse and neglect statutes; making certain conforming
9 changes to the definition of “sexual abuse” for the purpose of certain child abuse and
10 neglect statutes; and generally relating to child abuse and neglect.

11 BY repealing and reenacting, with amendments,
12 Article – Family Law
13 Section 5–701(b), (r), and (x)
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 5–701.

20 (b) **(1)** “Abuse” means:

21 **[(1)] (I)** the physical or mental injury of a child [by any parent or other
22 person who has permanent or temporary care or custody or responsibility for supervision
23 of a child, or by any household or family member,] under circumstances that indicate that
24 the child’s health or welfare is harmed or at substantial risk of being harmed **BY:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 1. A PARENT;

2 2. A HOUSEHOLD MEMBER OR FAMILY MEMBER;

3 3. A PERSON WHO HAS PERMANENT OR TEMPORARY
4 CARE OR CUSTODY OF THE CHILD;

5 4. A PERSON WHO HAS RESPONSIBILITY FOR
6 SUPERVISION OF THE CHILD; OR

7 5. A PERSON WHO, BECAUSE OF THE PERSON'S POSITION
8 OR OCCUPATION, EXERCISES AUTHORITY OVER THE CHILD; or

9 [(2)] (II) sexual abuse of a child, whether physical injuries are sustained
10 or not.

11 (2) "ABUSE" DOES NOT INCLUDE THE PHYSICAL INJURY OF A CHILD
12 BY ACCIDENTAL MEANS.

13 (r) "Mental injury" means the observable, identifiable, and substantial
14 impairment of a child's mental or psychological ability to function **CAUSED BY AN**
15 **INTENTIONAL ACT OR SERIES OF ACTS, REGARDLESS OF WHETHER THERE WAS AN**
16 **INTENT TO HARM THE CHILD.**

17 (x) (1) "Sexual abuse" means any act that involves sexual molestation or
18 exploitation of a child by [a parent or other person who has permanent or temporary care
19 or custody or responsibility for supervision of a child, or by any household or family
20 member]:

21 (I) A PARENT;

22 (II) A HOUSEHOLD MEMBER OR FAMILY MEMBER;

23 (III) A PERSON WHO HAS PERMANENT OR TEMPORARY CARE OR
24 CUSTODY OF THE CHILD;

25 (IV) A PERSON WHO HAS RESPONSIBILITY FOR SUPERVISION OF
26 THE CHILD; OR

27 (V) A PERSON WHO, BECAUSE OF THE PERSON'S POSITION OR
28 OCCUPATION, EXERCISES AUTHORITY OVER THE CHILD.

29 (2) "Sexual abuse" includes:

- 1 (i) allowing or encouraging a child to engage in:
- 2 1. obscene photography, films, poses, or similar activity;
- 3 2. pornographic photography, films, poses, or similar
- 4 activity; or
- 5 3. prostitution;
- 6 (ii) human trafficking;
- 7 (iii) incest;
- 8 (iv) rape;
- 9 (v) sexual offense in any degree;
- 10 (vi) sodomy; and
- 11 (vii) unnatural or perverted sexual practices.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

13 October 1, 2017.