

HOUSE BILL 856

D4

5lr1604
CF SB 571

By: **Delegates McComas, Carozza, Chang, and McDonough**

Introduced and read first time: February 13, 2015

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Child Abuse and Neglect – Failure to Report – Penalties and Training**

3 FOR the purpose of making it a civil offense, subject to certain penalties, for a certain
4 person acting in a professional capacity to fail to report child abuse under certain
5 circumstances; making it a misdemeanor, subject to certain penalties, for a certain
6 person acting in a professional capacity to fail to report child abuse under certain
7 circumstances; authorizing a police officer to issue a citation for a certain civil
8 violation under this Act; establishing that adjudication of a certain first-time civil
9 violation is not a criminal conviction and does not impose certain civil disabilities;
10 requiring the Department of Human Resources, in consultation with other
11 stakeholders, to develop and make available to the public in a certain manner
12 training on the identification and reporting of child abuse and neglect; requiring the
13 Department to provide to certain organizations an opportunity to provide certain
14 input regarding the development of the training; requiring the Department to make
15 the training available to the public on or before a certain date; providing for the
16 effective dates of this Act; and generally relating to child abuse and neglect.

17 BY adding to

18 Article – Criminal Law

19 Section 3–601.2

20 Annotated Code of Maryland

21 (2012 Replacement Volume and 2014 Supplement)

22 BY repealing and reenacting, with amendments,

23 Article – Family Law

24 Section 5–704

25 Annotated Code of Maryland

26 (2012 Replacement Volume and 2014 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

28 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Criminal Law

3-601.2.

(A) (1) A PERSON WHO IS REQUIRED TO REPORT CHILD ABUSE UNDER § 5-704 OF THE FAMILY LAW ARTICLE MAY NOT KNOWINGLY AND WILLFULLY FAIL TO REPORT CHILD ABUSE AS REQUIRED UNDER § 5-704 OF THE FAMILY LAW ARTICLE.

(2) A PERSON WHO IS REQUIRED TO REPORT CHILD ABUSE UNDER § 5-704 OF THE FAMILY LAW ARTICLE MAY NOT KNOWINGLY AND WILLFULLY FAIL TO REPORT CHILD ABUSE AS REQUIRED UNDER § 5-704 OF THE FAMILY LAW ARTICLE IF:

(I) 1. THE PERSON WITNESSES THE ABUSE; AND

2. THE PERSON KNOWS THAT THE ABUSE IS LIKELY TO CAUSE OR HAS CAUSED SERIOUS PHYSICAL INJURY OR DEATH TO A CHILD; OR

(II) THE PERSON WITNESSES SEXUAL ABUSE, AS DEFINED IN § 5-701 OF THE FAMILY LAW ARTICLE.

(B) (1) A PERSON WHO VIOLATES SUBSECTION (A)(1) OF THIS SECTION:

(I) FOR A FIRST VIOLATION, HAS COMMITTED A CIVIL OFFENSE AND IS SUBJECT TO:

1. A CIVIL FINE NOT EXCEEDING \$250; AND

2. A REQUIREMENT TO COMPLETE THE TRAINING DEVELOPED BY THE DEPARTMENT OF HUMAN RESOURCES UNDER § 5-704 OF THE FAMILY LAW ARTICLE; AND

(II) FOR A SECOND OR SUBSEQUENT VIOLATION, IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

(2) A PERSON WHO VIOLATES SUBSECTION (A)(2) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

(C) THIS SECTION APPLIES ONLY IF THE FAILURE TO REPORT CHILD ABUSE OCCURS DURING THE TIME THE CHILD IS A MINOR.

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

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

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

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

8 (3) the whereabouts of the child;

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

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

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

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

15 **(D) (1) THE DEPARTMENT OF HUMAN RESOURCES, IN CONSULTATION**
16 **WITH OTHER STAKEHOLDERS, AS APPROPRIATE, SHALL DEVELOP TRAINING ON THE**
17 **IDENTIFICATION AND REPORTING OF ABUSE AND NEGLECT.**

18 **(2) THE DEPARTMENT OF HUMAN RESOURCES SHALL PROVIDE TO**
19 **ORGANIZATIONS REPRESENTING HEALTH PRACTITIONERS, POLICE OFFICERS,**
20 **EDUCATORS, AND HUMAN SERVICE WORKERS AN OPPORTUNITY TO PROVIDE INPUT**
21 **SPECIFIC TO THOSE PROFESSIONS REGARDING THE DEVELOPMENT OF THE**
22 **TRAINING.**

23 **(3) THE DEPARTMENT OF HUMAN RESOURCES SHALL MAKE THE**
24 **TRAINING AVAILABLE AT NO COST TO THE PUBLIC IN PERSON AND ONLINE.**

25 SECTION 3. AND BE IT FURTHER ENACTED, That the Department of Human
26 Resources shall make the training on the identification and reporting of child abuse and
27 neglect, required under Section 2 of this Act, available to the public in person and online
28 on or before January 1, 2016.

29 SECTION 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take
30 effect July 1, 2016.

1 SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in Section
2 4 of this Act, this Act shall take effect October 1, 2015.