

APPENDIX A

Part 1

**ANNOTATED CODE OF MARYLAND – FAMILY LAW
TITLE 5 – CHILDREN**

Subtitle 7 – Child Abuse and Neglect

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§ 5-701. Definitions.

(a) *In general.*- Except as otherwise provided in [§ 5-705.1 of this](#) subtitle, in this subtitle the following words have the meanings indicated.

(b) *Abuse.*- "Abuse" means:

(1) the physical or mental injury of a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member, under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed; or

(2) sexual abuse of a child, whether physical injuries are sustained or not.

(c) *Administration.*- "Administration" means the Social Services Administration of the Department.

(d) *Central registry.*-

(1) Except as provided in paragraph (2) of this subsection, "central registry" means any component of the Department's confidential computerized database that contains information regarding child abuse and neglect investigations.

(2) "Central registry" does not include a local department case file.

(e) *Child.*- "Child" means any individual under the age of 18 years.

(f) *Court.*- Repealed by Acts 2005, ch. 464, § 2, effective January 1, 2006.

(g) *Educator or human service worker.*-

(1) "Educator or human service worker" means any professional employee of any correctional, public, parochial or private educational, health, juvenile service, social or social service agency, institution, or licensed facility.

(2) "Educator or human service worker" includes:

(i) any teacher;

(ii) any counselor;

(iv) any caseworker; and

(v) any probation or parole officer.

(i) *Health practitioner.*-

(1) "Health practitioner" includes any person who is authorized to practice healing under the [Health Occupations Article](#) or § [13-516 of the Education Article](#).

(2) "Health practitioner" does not include an emergency medical dispatcher.

(j) *Household.*- "Household" means the location:

(1) in which the child resides;

(2) where the abuse or neglect is alleged to have taken place; or

(3) where the person suspected of abuse or neglect resides.

(k) *Household member.*- "Household member" means a person who lives with, or is a regular presence in, a home of a child at the time of the alleged abuse or neglect.

(l) *Identifying information.*- "Identifying information" means the name of:

(1) the child who is alleged to have been abused or neglected;

(2) a member of the household of the child;

(3) a parent or legal guardian of the child; or

(4) an individual suspected of being responsible for abuse or neglect of the child.

(m) *Indicated.*- "Indicated" means a finding that there is credible evidence, which has not been satisfactorily refuted, that abuse, neglect, or sexual abuse did occur.

(n) *Law enforcement agency.*-

(1) "Law enforcement agency" means a State, county, or municipal police department, bureau, or agency.

(2) "Law enforcement agency" includes:

(i) a State, county, or municipal police department or agency;

(ii) a sheriff's office;

(iii) a State's Attorney's office; and

(iv) the Attorney General's office.

(o) *Local department.*- Except as provided in [§§ 5-705.1 and 5-714 of this subtitle](#), "local department" means the local department that has jurisdiction in the county:

(1) where the allegedly abused or neglected child lives; or

(2) if different, where the abuse or neglect is alleged to have taken place.

(p) *Local department case file.*- "Local department case file" means that component of the Department's confidential computerized database that contains information regarding child abuse and neglect investigations to which access is limited to the local department staff responsible for the investigation.

(q) *Local State's Attorney.*- "Local State's Attorney" means the State's Attorney for the county:

(1) where the allegedly abused or neglected child lives; or

(2) if different, where the abuse or neglect is alleged to have taken place.

(r) *Mental injury.*- "Mental injury" means the observable, identifiable, and substantial impairment of a child's mental or psychological ability to function.

(s) *Neglect.*- "Neglect" means the leaving of a child unattended or other failure to give proper care and attention to a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of the child under circumstances that indicate:

(1) that the child's health or welfare is harmed or placed at substantial risk of harm; or

(2) mental injury to the child or a substantial risk of mental injury.

(t) *Police officer.*- "Police officer" means any State or local officer who is authorized to make arrests as part of the officer's official duty.

(u) *Record.*- "Record" means the original or any copy of any documentary material, in any form, including a report of suspected child abuse or neglect, that is made by, received by, or received from the State, a county, or a municipal corporation in the State, or any subdivision or agency concerning a case of alleged child abuse or neglect.

(v) *Report.*- "Report" means an allegation of abuse or neglect, made or received under this subtitle.

(w) *Ruled out.*- "Ruled out" means a finding that abuse, neglect, or sexual abuse did not occur.

(x) *Sexual abuse.*-

(1) "Sexual abuse" means any act that involves sexual molestation or exploitation of a child by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member.

(2) "Sexual abuse" includes:

(i) incest, rape, or sexual offense in any degree;

(ii) sodomy; and

(iii) unnatural or perverted sexual practices.

(y) *Unsubstantiated*.- "Unsubstantiated" means a finding that there is an insufficient amount of evidence to support a finding of indicated or ruled out.

[1987, ch. 635, § 2; 1989, ch. 395; ch. 730, §§ 1, 2; 1993, ch. 318, § 1; 1994, ch. 728; 1998, ch. 46; 1999, ch. 214; 2001, ch. 414; 2002, ch. 279; 2003, ch. 308; 2005, ch. 464, §§ 2, 3; 2006, ch. 44, § 6.]

§ 5-702. Legislative policy.

The purpose of this subtitle is to protect children who have been the subject of abuse or neglect by:

- (1) mandating the reporting of any suspected abuse or neglect;
- (2) giving immunity to any individual who reports, in good faith, a suspected incident of abuse or neglect;
- (3) requiring prompt investigation of each reported suspected incident of abuse or neglect;
- (4) causing immediate, cooperative efforts by the responsible agencies on behalf of children who have been the subject of reports of abuse or neglect; and
- (5) requiring each local department to give the appropriate service in the best interest of the abused or neglected child.

[1987, ch. 635, § 2.]

§ 5-703. Scope and applicability of subtitle.

(a) *Scope.*- The provisions of this subtitle are in addition to and not in substitution for the provisions of Title 3, Subtitle [8 of the Courts and Judicial Proceedings Article](#).

(b) *Applicability.*- Except as otherwise provided in [§ 5-705.1 of this subtitle](#), the provisions of this subtitle apply only to:

- (1) suspected abuse or neglect that is alleged to have occurred in this State; and
- (2) suspected abuse or neglect of a child who lives in this State, regardless of where the suspected abuse or neglect is alleged to have occurred.

[1987, ch. 635, § 2; 2003, ch. 308.]

§ 5-704. Reporting of abuse or neglect - By health practitioner, police officer, educator or human service worker.

(a) *In general.*- Notwithstanding any other provision of law, including any law on privileged communications, each health practitioner, police officer, educator, or human service worker, acting in a professional capacity in this State:

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

(ii) who has reason to believe that a child has been subjected to neglect, shall notify the local department; 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) *Oral and written reports; cooperation among departments and agencies.*-

(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:

1. to the local department or appropriate law enforcement agency if the person has reason to believe that the child has been subjected to abuse; or

2. to the local department if the person has reason to believe that the child has been subjected to neglect; 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 if the individual has reason to believe that the child has been subjected to abuse.

(2) (i) An agency to which an oral report of suspected abuse 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) *Contents of report.* - 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 the child, including any evidence or information available to the reporter concerning possible previous instances of abuse or neglect; and
- (5) any other information that would help to determine:
 - (i) the cause of the suspected abuse or neglect; and
 - (ii) the identity of any individual responsible for the abuse or neglect.

[1987, ch. 635, § 2; 1989, ch. 730, §§ 1, 2; 1997, chs. 367, 368; 1998, ch. 21, § 1; 2000, ch. 61, § 1; 2003, ch. 308.]

§ 5-705. Reporting of abuse or neglect - By other persons.

(a) *In general.*-

(1) Except as provided in paragraphs (2) and (3) of this subsection, notwithstanding any other provision of law, including a law on privileged communications, a person in this State other than a health practitioner, police officer, or educator or human service worker who has reason to believe that a child has been subjected to abuse or neglect shall:

(i) if the person has reason to believe the child has been subjected to abuse, notify the local department or the appropriate law enforcement agency; or

(ii) if the person has reason to believe the child has been subjected to neglect, notify the local department.

(2) A person is not required to provide notice under paragraph (1) of this subsection:

(i) in violation of the privilege described under § [9-108 of the Courts Article](#);

(ii) if the notice would disclose matter communicated in confidence by a client to the client's attorney or other information relating to the representation of the client; or

(iii) in violation of any constitutional right to assistance of counsel.

(3) A minister of the gospel, clergyman, or priest of an established church of any denomination is not required to provide notice under paragraph (1) of this subsection if the notice would disclose matter in relation to any communication described in § [9-111 of the Courts Article](#) and:

(i) the communication was made to the minister, clergyman, or priest in a professional character in the course of discipline enjoined by the church to which the minister, clergyman, or priest belongs; and

(ii) the minister, clergyman, or priest is bound to maintain the confidentiality of that communication under canon law, church doctrine, or practice.

(b) *Notification of other agency; cooperative agreements.*-

(1) An agency to which a report of suspected abuse is made under subsection (a) of this section shall immediately notify the other agency.

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

(c) *Form of report.*- A report made under subsection (a) of this section may be oral or in writing.

(d) *Contents of report.*-

(1) To the extent possible, a report made under subsection (a) of this section shall include the information required by § 5-704 (c) of this subtitle.

(2) A report made under subsection (a) of this section shall be regarded as a report within the provisions of this subtitle, whether or not the report contains all of the information required by § 5-704(c) of this subtitle.

[1987, ch. 635, § 2; 1988, chs. 769, 770; 1989, ch. 5, § 1; 1991, ch. 55, § 1; 2003, ch. 308.]

§ 5-705.1. Reporting of abuse or neglect - To local department of social services.

(a) *"Local department" defined.*- In this section, "local department" means a department of social services for a county in this State.

(b) *Applicability.*- The following provisions of this subtitle shall apply to the reporting of suspected abuse or neglect under this section:

(1) except as provided in subsection (a) of this section, the definitions set forth in [§ 5-701 of this](#) subtitle;

(2) the provisions relating to the confidentiality of reports specified in § 5-707(a)(1) and (2) of this subtitle; and

(3) the provisions relating to immunity from civil liability or criminal penalty specified in [§ 5-708 of this](#) subtitle.

(c) *Form of report.*-

(1) If suspected abuse or neglect is alleged to have occurred outside of this State and the victim is currently a child who lives outside of this State, a person who would be required to report suspected abuse or neglect under the provisions of § 5-704 or [§ 5-705 of this](#) subtitle shall report the suspected abuse or neglect to any local department in accordance with paragraph (2) of this subsection.

(2) A person described in [§ 5-704 of this](#) subtitle shall make:

(i) an oral report, by telephone or direct communication, as soon as possible; and

(ii) a written report not later than 48 hours after the contact, examination, attention, or treatment that caused the person to believe that the child had been subjected to abuse or neglect.

(3) A person described in [§ 5-705 of this](#) subtitle shall make an oral or a written report.

(4) To the extent possible, a report under this subsection shall include the information specified in § 5-704(c) of this subtitle.

(d) *Forwarding of report.*- Promptly after receiving a report of suspected abuse or neglect under this section, the local department shall forward the report to the appropriate agency outside of this State that is authorized to receive and investigate reports of suspected abuse or neglect.

[2003, ch. 308; 2005, ch. 464, § 2; 2006, ch. 365, § 2.]

§ 5-708. Immunity of person making report.

Any person who makes or participates in making a report of abuse or neglect under § 5-704, § 5-705, or [§ 5-705.1 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.

[1987, ch. 635, § 2; 1990, ch. 546, § 3; 1997, ch. 14, § 20; 2003, ch. 308.]

§ 5-620. Persons reporting child abuse or neglect.

Any person who in good faith makes or participates in making a report of **abuse** or **neglect** under § 5-704, § 5-705, or § 5-705.1 of the [Family Law Article](#) or participates in an investigation or a resulting judicial proceeding is immune from any civil liability or criminal penalty that would otherwise result from making or participating in a report of **abuse** or **neglect** or participating in an investigation or a resulting judicial proceeding.

[1990, ch. 546, § 3; 1997, ch. 14, § 9; 2003, ch. 308.]