

Chapter 07

Section 05 - Child Abuse and Child Neglect Reports

Authority: Family Law Article, § 5-701, *et seq.*, Annotated Code of Maryland.

A. Purpose.

The purpose of this section is to establish reporting procedures for suspected or discovered instances of child abuse and child neglect.

B. Definitions.

(1) In this section, the following terms have the meanings indicated.

(2) Terms defined.

(a) "Abuse" means the physical or mental injury of a child by the child's parent, household or family member, or other individual in whom the child's care, custody or supervision is entrusted, under circumstances that cause harm or substantial risk of harm to the child's health or welfare. "Abuse" includes sexual abuse.

(b) "Child" means an individual under the age of eighteen.

(c) "Employee" means a:

(i) Parole and probation agent;

(ii) Drinking driver monitor;

(iii) Field supervisor; and

(iv) Monitor supervisor.

(c) "Local department" means the department of social services in the county where the:

(i) Allegedly abused or neglected child lives; or

(ii) Alleged abuse or neglect occurred.

(d) "Neglect" means causing harm or substantial risk of harm to a child's health or welfare by a parent or other person in whom a child's care, custody or supervision is entrusted by:

(i) Leaving the child unattended; or

(ii) Failing to give proper care and attention to the child.

(e) "Sexual abuse" means any act that involves sexual molestation or exploitation of a child by:

- (i) A parent;
- (ii) A person who has permanent or temporary care, custody, or responsibility for supervision of a child; or
- (iii) Any member of the child's household or family.

C. Duty and Civil Liability.

An employee who has reason to believe that a child is or was being abused or neglected and fails to report that reasonable belief in accordance with the procedures outlined in this section may be subject to:

- (1) Civil liability; and
- (2) Disciplinary action.

D. Reporting Suspected Child Abuse or Child Neglect.

An employee who observes, has contact with, or receives information regarding a child which gives the employee reason to believe that the child abuse or neglect is occurring or has occurred shall make both an oral and a written report in accordance with the procedures set forth in subsections E and F of this section.

E. Oral Notification of Suspected Child Abuse or Child Neglect.

(1) An employee who has reason to believe that a child has been abused or neglected shall notify the:

- (a) Local department; or
- (b) Law enforcement agency in the county where the employee:
 - (i) Observed the child;
 - (ii) Made contact with the child; or
 - (iii) Received information indicating that the child has been abused.

(2) The notification required under paragraph (1) of this subsection shall be made:

- (a) By telephone or other direct communication; and
- (b) As soon as possible after the observation, contact, or receipt of information which gives the employee reason to believe that child abuse or neglect is occurring or has occurred.

(4) An employee shall make a field note entry for the case pertaining to the abuse or neglect notification to indicate that the employee contacted the local department or the local law enforcement agency.

(5) If the suspected abuse or neglect does not pertain to a case supervised or monitored by the employee who made the abuse or neglect notification, the employee who made the notification shall notify by electronic mail the appropriate agent or monitor of the notification.

(6) An agent or monitor who receives electronic mail pursuant to paragraph (5) of this subsection shall:

(a) Record in the agent's field notes or monitor's case record when and by whom the notification was made; and

(b) Make a hardcopy of the electronic mail message and place it in the case file.

F. Written Report of Suspected Child Abuse or Child Neglect.

(1) An employee shall submit a written report to the local department not later than forty-eight hours after the observation, contact, or receipt of information which gives the employee reason to believe that child abuse or neglect is occurring or has occurred.

(2) A written report of alleged child abuse or neglect shall contain the following information, if known by the employee:

(a) The name, age, and home address of the child;

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

(c) The whereabouts of the child;

(d) A description of facts and circumstances that gave rise to an employee's belief that the child was abused or neglected;

(e) Information or evidence of possible previous instances of abuse or neglect of the child; and

(f) Other information which might help determine the:

(i) Cause of the suspected abuse or neglect; and

(ii) Identity of an individual allegedly responsible for the abuse or neglect.

(3) A copy of a written report regarding alleged child abuse shall be forwarded to the:

(a) State's Attorney's Office where the:

(i) Allegedly abused child lives; or

(ii) Alleged abuse occurred;

(b) Employee's immediate supervisor; and

(c) Division's Office of Victim Services.

(4) If an employee's child abuse or neglect report involves an offender being supervised or monitored by the employee, the employee shall make a field note entry for the involved offender's case to record that the employee sent the report to:

(a) The local department; and

(b) In the case of a report which alleges suspected child abuse, the State's Attorney's Office, as set forth in paragraph (3)(a) of this subsection.