Child Abuse and Neglect Reporting Requirements in Maryland

I. Definition of Child.

For the purpose of this Maryland Appendix, a child is any person under the age of 18 years.

II. Obligation to Report Child Abuse and Neglect

A. What constitutes abuse and neglect of a child?

In Maryland, child abuse may be the physical injury, mental injury or sexual abuse of a child in one or more of the following three situations:

(1) The physical injury of a child, whether visible or not, under circumstances that indicate that the child’s health or welfare is harmed or at substantial risk of being harmed, by:

- any parent,
- any person who has permanent or temporary care or custody or responsibility for supervision of the child,
- any household member (i.e., a person living with or having a regular presence in the child’s home when the alleged abuse or neglect occurred), or
- any family member (i.e., the child’s relative by blood, adoption or marriage).

or

(2) The mental injury (i.e., the observable, identifiable, and substantial impairment of the mental or psychological ability to function) of a child, under circumstances that indicate that the child’s health or welfare is harmed or at substantial risk of being harmed, by:

- any parent,
- any person who has permanent or temporary care or custody or responsibility for supervision of the child,
- any household member (i.e., a person living with or having a regular presence in the child’s home when the alleged abuse or neglect occurred), or
- any family member (i.e., the child’s relative by blood, adoption or marriage).

or

(3) The sexual abuse (i.e., any act that involves sexual molestation or exploitation) of a child, whether physical injuries are sustained or not, by:

- any parent,
- any person who has permanent or temporary care or custody or responsibility for supervision of the child,
any household member (i.e., a person living with or having a regular presence in the child’s home when the alleged abuse or neglect occurred), or
any family member (i.e., the child’s relative by blood, adoption or marriage).

Examples of sexual abuse include, but are not limited to:
- sexual crime in any degree, including incest, rape, or sodomy
- human trafficking
- sexual contact or conduct with a child
- sexual advances
- exposure
- voyeurism
- kissing
- fondling
- unnatural or perverted sexual practices
- allowing or encouraging a child to engage in obscene or pornographic photography, films, poses or similar activity, or depicting a child in an illegal manner
- allowing or encouraging a child to engage in prostitution

In Maryland, child neglect occurs when any parent or any person who has permanent or temporary care or custody or responsibility for supervision of a child:

- Leaves the child unattended; or
- Fails to give the child given proper care and attention; or
- Gives the child improper care and attention;

under circumstances that indicate that the child’s health or welfare is harmed or placed at substantial risk of harm, or the child’s mental injury or a substantial risk of mental injury (i.e., the observable, identifiable, and substantial impairment of the child’s mental or psychological ability to function).

Examples of improper care and attention include, but are not limited to:
- The failure to provide care appropriate to the child’s needs and development.
- The failure to provide food, clothing, shelter, medical care, nurturing, activity, guardianship, or supervision.
- The failure to care and plan for the child’s welfare.

B. When is reporting of child abuse or neglect mandatory?

If you have a reason to believe that a child has been subjected to abuse or neglect, you must make a report as provided herein if the:

- The abuse or neglect allegedly occurred in Maryland,
- Child lives in Maryland (regardless of where the abuse or neglect allegedly occurred), or
- The abuse or neglect allegedly occurred outside of Maryland and the victim is currently a child who lives outside of Maryland.
C. When and where do I make my reports?

If you are a professional employee of the University, or a health practitioner, acting in your professional capacity (collectively, “professional employees”), you must make the following reports within 48 hours after the contact, examination, attention, or treatment that caused you to believe that the child has been subjected to abuse or neglect:

(1) An oral report, by telephone or direct communication to either:

- the appropriate State, county, or municipal police department, bureau, or agency, sheriff’s office, State’s Attorney’s office, or the Attorney General’s office, or
- the city or county Department of Social Services Child Protective Services where the child resides or the abuse or neglect allegedly occurred, or if neither location is known, the Baltimore City Department of Social Services. Contact information for the local Departments of Social Services Child Protective Services is available at http://dhr.maryland.gov/cps/address.php.

(2) A written report to the appropriate local Department of Social Services Child Protective Services as specified in (1) above.

(3) A copy of the written report to the local State’s Attorney’s office (unless the abuse or neglect allegedly occurred outside of Maryland and the victim is currently a child who lives outside Maryland).

(4) The University Policy on the Safety of Children in University Programs requires the University Office of the General Counsel to be promptly notified of any governmental report made, subject to the limited exceptions for clinical faculty and staff who are obligated to report under established clinical procedures. If you are acting as an employee of the University, you must not only immediately notify, but must also provide a copy of your report to, the University Office of the General Counsel.

If you are not a professional employee, you must file either an oral or written report under (1) or (2) above within 48 hours after the contact, examination, attention, or treatment that caused you to believe that the child has been subjected to abuse or neglect. If you are not a professional employee, you need not make a report in instances where making the report would violate any constitutional right to assistance of counsel, any privilege relating to attorney-client communications, or any privilege relating to communications made to a minister, clergyman or priest who is bound to maintain confidentiality of these communications under canon law, church doctrine, or practice.

You must report suspected child abuse or neglect even when the abuse or neglect occurred in the past and the alleged victim is an adult or the person suspected of child abuse or neglect is believed to be deceased when the incident comes to light.

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1 A health practitioner includes any person who is authorized to practice healing under the Health Occupations Article or Section 13-516 of the Education Article of the Maryland Code.
D. Are there circumstances in which reporting is permissible?

You may make an oral or written report to the local law enforcement agency or Department of Social Services Child Protective Services described in Sections C.(1) or C.(2) above if:

1. You have a reason to believe that a parent, guardian, or caregiver of the child allows the child to reside with or be in the regular presence of a person (who is not the child's parent or guardian),

2. This person is a registered child sex offender under Title 11, Subtitle 7 of the Criminal Procedure Article of the Maryland Code, and

3. Based on additional information, poses a substantial risk of sexual abuse to the child.

The University Policy on the Safety of Children in University Programs requires the University Office of the General Counsel to be promptly notified of any governmental report made, subject to the limited exceptions for clinical faculty and staff who are obligated to report under established clinical procedures. If you are acting as an employee of the University, you must not only immediately notify, but must also provide a copy of your report to, the University Office of the General Counsel.

E. What should I include in my report?

A report must include as far as is reasonably possible all of the following information:

- Name, age, and home address of the child.
- Name and home address of the child’s parent or other person who is responsible for the child’s care.
- Present location of the child.
- Nature and extent of the suspected abuse or neglect of the child, including any evidence or information available to you concerning possible previous instances of abuse or neglect.
- Information that would help to determine the cause of the suspected abuse or neglect.
- Information that would help to determine the identity of any person suspected to be responsible for the abuse or neglect.

F. What additional protections do I have when I make a report?

Under Maryland law, any person who in good faith makes or participates in making reports of child abuse or neglect in accordance with Maryland law, or participates in an investigation or a resulting judicial proceeding, is immune from any civil liability or criminal penalty that would otherwise result from such actions.

G. What if I suspect abuse or neglect of a child outside of Maryland?

Under Maryland law if the suspected child abuse or neglect occurred outside Maryland and the victim is currently a child who lives outside Maryland, you must still make a report as provided in Section C above.
Jurisdictions other than Maryland may and often do have their own legal reporting requirements. For questions regarding reporting obligations or the circumstances under which a report is required in other jurisdictions, the University Office of the General Counsel should be contacted. For further information on State-specific reporting requirements, please visit: http://www.childwelfare.gov/systemwide/laws_policies/state/index.cfm?event=stateStatutes.showSearchForm and http://www.childwelfare.gov/pubs/reslist/rl_dsp.cfm?rs_id=5&rate_chno=W-00082.

III. Questions

If you have questions regarding your reporting obligations and the circumstances under which a report is required, you may contact the appropriate local Department of Social Services Child Protective Services (http://dhr.maryland.gov/cps/address.php) or the University Office of the General Counsel.

The resources below provide further details on the form, content, timing and submission of reports of child abuse and neglect in Maryland.

- Md. Code Ann., Family Law, Title 5, Subtitle 7 http://mlis.state.md.us/; click on “Maryland Statutes” and then on “Maryland Code Online”

- COMAR 07.02.07 http://www.dsd.state.md.us/comar/

- Maryland Department of Human Resources Child Protective Services http://www.dhr.state.md.us/cps/report.php