HOUSE BILL 1248

D4 2lr2512 CF SB 820 By: Delegate Valentino-Smith Introduced and read first time: February 11, 2022 Assigned to: Judiciary Committee Report: Favorable with amendments House action: Adopted Read second time: March 9, 2022 CHAPTER AN ACT concerning Child Abuse and Neglect – Investigations – Timeliness FOR the purpose of requiring a local department of social services that fails to conduct a child abuse or neglect investigation or complete a certain report within certain statutory time frames to report the delay and the reason for the delay in a certain manner; and generally relating to the timeliness of conducting and completing investigations of child abuse and neglect. BY repealing and reenacting, with amendments, Article – Family Law Section 5–706 Annotated Code of Maryland (2019 Replacement Volume and 2021 Supplement) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows: Article - Family Law 5-706.In this section, "alternative response" means a component of the child protective services program that provides for a comprehensive assessment of: (i) risk of harm to the child;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates amendments to bill.

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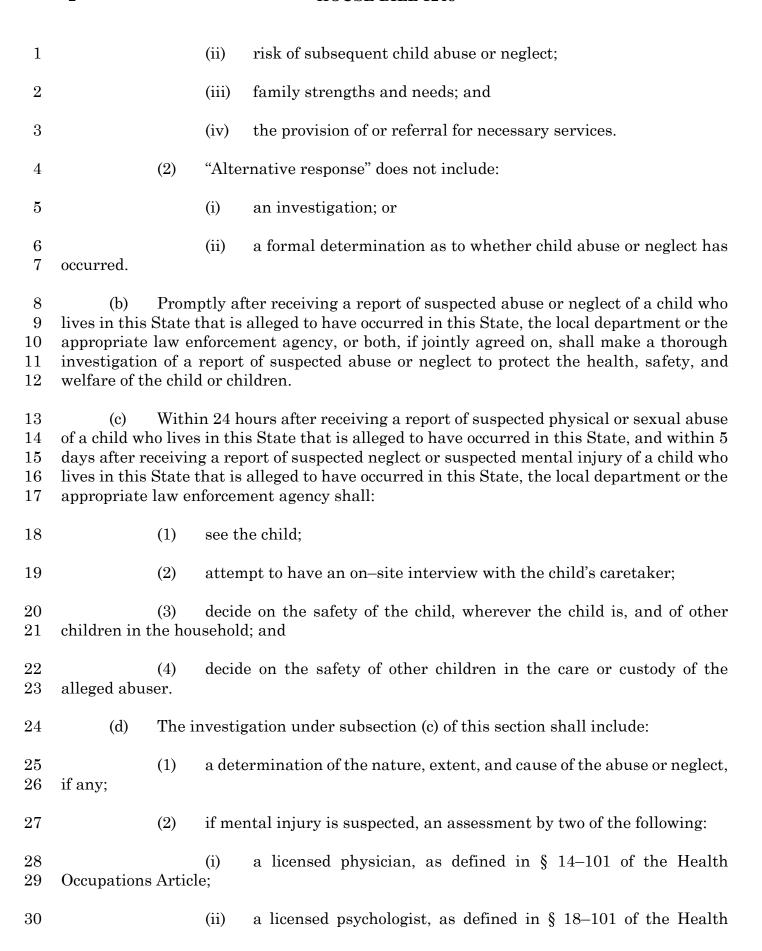
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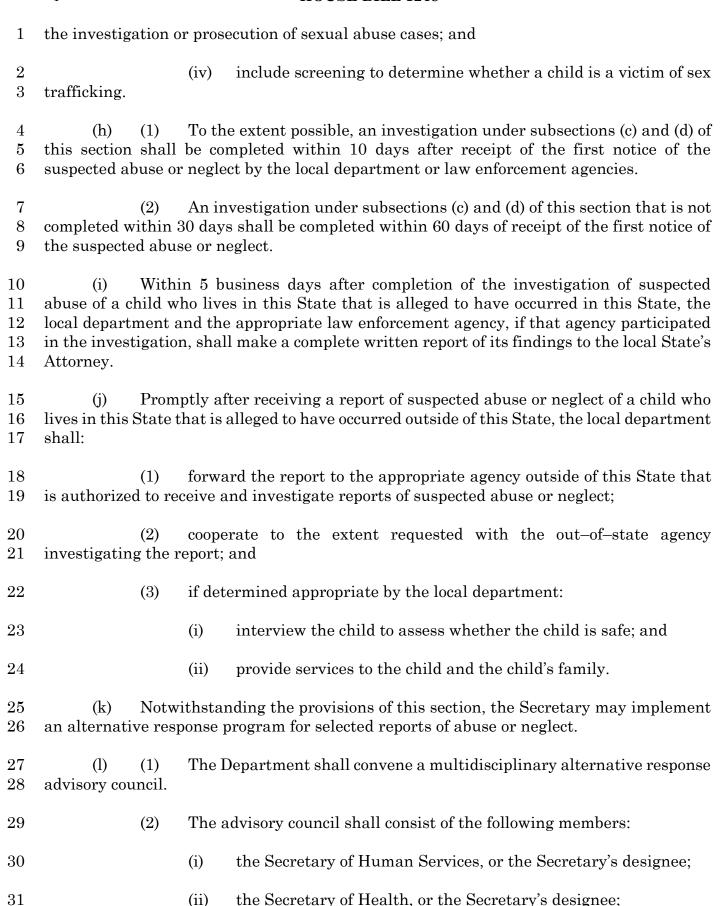
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Strike out indicates matter stricken from the bill by amendment or deleted from the law by amendment.





1	Occupations Article; or				
2 3	Occupations Articl	(iii) e; and	a licensed social worker, as defined in § 19–101 of the Health		
4	(3)	if the	suspected abuse or neglect is verified:		
5 6	responsible for the	(i) abuse	a determination of the identity of the person or persons or neglect;		
7 8	child in the househ	(ii) nold;	a determination of the name, age, and condition of any other		
9		(iii)	an evaluation of the parents and the home environment;		
10		(iv)	a determination of any other pertinent facts or matters; and		
11		(v)	a determination of any needed services.		
12 13	(e) On request by the local department, the local State's Attorney shall assist in an investigation under subsections (c) and (d) of this section.				
14 15 16 17 18 19	(f) The local department, the appropriate law enforcement agencies, the State's Attorney within each county and Baltimore City, the local department's office responsible for child care regulation, the local health officer, and the local child advocacy center shall enter into a written agreement that specifies standard operating procedures for the investigation under subsections (c) and (d) of this section and prosecution of reported cases of suspected abuse or neglect.				
20 21 22 23	(g) (1) The agencies responsible for investigating reported cases of suspected sexual abuse, including the local department, the appropriate law enforcement agencies and the local State's Attorney, shall implement a joint investigation procedure for conducting joint investigations of sexual abuse under subsections (c) and (d) of this section				
24	(2)	The j	oint investigation procedure shall:		
25 26	sexual abuse comp	(i) laints;	include appropriate techniques for expediting validation of		
27		(ii)	include investigation techniques designed to:		
28			1. decrease the potential for physical harm to the child; and		
29 30	investigation and p	prosect	2. decrease any trauma experienced by the child in the ation of the case;		
31		(iii)	establish an ongoing training program for personnel involved in		

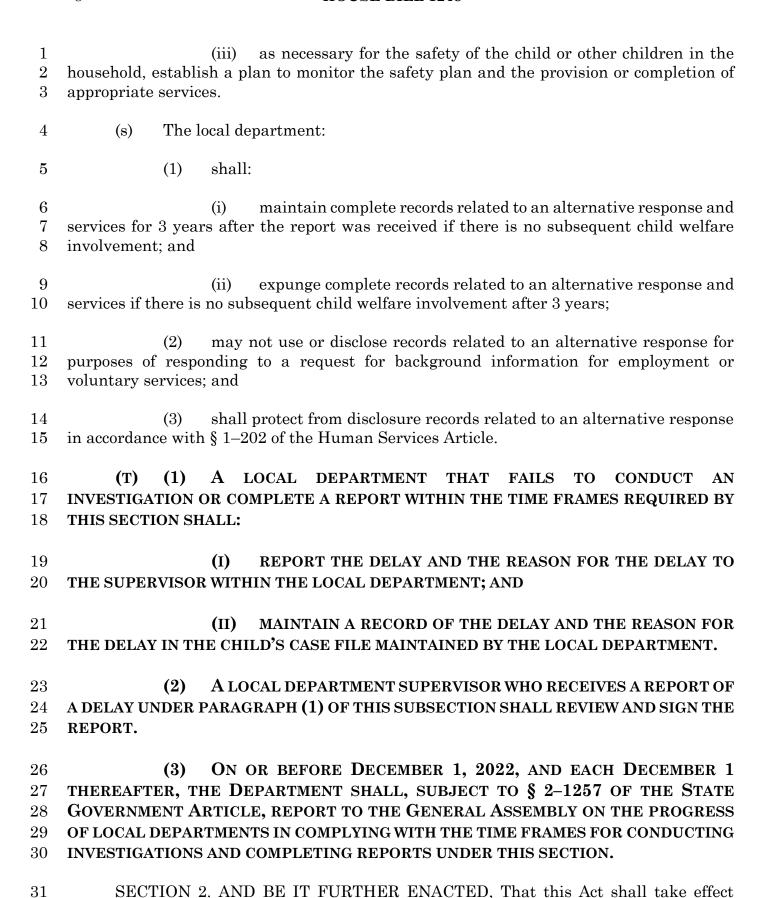


$1\\2$	designee;	(iii)	the State Superintendent of Schools, or the Superintendent's
3		(iv)	a representative from the Maryland Disability Law Center;
4		(v)	a representative from a child advocacy organization;
5 6	provider;	(vi)	a representative from a community partner or a local service
7 8	injuries related to	(vii) abuse	a pediatrician with experience in diagnosing and treating and neglect;
9 10	(viii) an attorney with experience representing children or adults i abuse and neglect cases;		
11		(ix)	a representative from the Office of the Public Defender;
12 13	() 1 0 1		
14 15	services system;	(xi)	a child who has personal experience with the child protective
16 17	and	(xii)	two representatives from local departments of social services;
18		(xiii)	two representatives from local citizens review panels.
19 20	(3) The Secretary of Human Services or the Secretary's designee shall be the chair of the advisory council.		
21	(4)	The a	dvisory council shall advise the Department on:
22 23	(i) the development of the alternative response implementation plan, which may include a pilot program;		
24 25	implementation pl	(ii) an;	oversight and monitoring of the alternative response
26 27 28	(iii) consulting with local citizens review panels, local services affiliates, and other local partners for feedback and recommendations on the alternative response implementation plan;		
29 30	implementation of	(iv) the al	defining the scope of the independent evaluation of the ternative response program; and

- 1 (v) defining the scope of the ongoing evaluation of the alternative 2 response program. 3 Only a low risk report of abuse or neglect may be considered for an alternative (m) 4 response. 5 (n) A report that is not assigned for an alternative response shall be assigned for investigation in accordance with this section. 6 7 The following reports of suspected abuse or neglect may not be assigned for an 8 alternative response: 9 (1) sexual abuse; and 10 (2)abuse or neglect: 11 (i) occurring in an out-of-home placement; 12 resulting in death or serious physical or mental injury; (ii) 13 if, in the previous 3 years, the individual suspected of abuse or (iii) neglect has been identified as responsible for abuse or neglect as documented in the records 14 of the local department; or 15 16 if the individual suspected of abuse or neglect has had one report 17 assigned for an alternative response within the past 12 months or two reports assigned for 18 an alternative response within the past 24 months. 19 A report assigned for an alternative response may be reassigned at any time 20 for an immediate investigation based on any of the following factors and circumstances: 21(1) a reassessment of the report or relevant facts: 22 a determination that the case satisfies a criterion in subsection (o) of (2) 23 this section; or 24(3)a family's inability or refusal to participate in the alternative response 25assessment. 26 A report assigned for an investigation may be reassigned for an alternative (g) 27 response at any time based on: 28 (1) a reassessment of the report or relevant facts that demonstrate that the 29case meets the criteria for an alternative response;
- 30 (2) a determination that accepted services would address all issues of risk 31 of abuse or neglect and child safety; and

1		(3)	appro	val by a caseworker supervisor.
2 3	(r) shall:	When	a repo	ort is referred for an alternative response, the local department
4 5	hours of rece	(1) eiving a		ne child and the child's parent or primary caretaker within 24 t of physical abuse;
6 7	of receiving	(2) a repor		e child and the child's parent or primary caretaker within 5 days glect;
8 9	caretaker;	(3)	attem	pt to have an on-site interview with the child's parent or primary
10		(4)	evalua	ate the child's home environment;
11 12	children in t	(5) he hou		e on the safety of the child, wherever the child is, and of other;
13 14	individual sı	(6) uspecte		e on the safety of other children in the care or custody of the buse or neglect;
15 16 17	assigned for abuse or neg			e the appropriate law enforcement agency that the report has been ve response, if the law enforcement agency made the report of
18 19 20	(8) inform the individual suspected of child abuse or neglect of the allegations made against the individual in a manner consistent with laws protecting the rights of the person who made the report;			
21 22	(9) complete an alternative response assessment within 60 days after the receipt of the report;			
23 24 25	(10) within 10 days after completing the alternative response assessment provide a written report to the family members who are participating in the alternative response assessment as to whether and what services are necessary to address:			
26			(i)	the safety of the child or other children in the household; and
27			(ii)	the risk of subsequent abuse or neglect; and
28		(11)	consis	tent with the assessment and any safety or services plans:
29			(i)	render any appropriate services in the best interests of the child;
30			(ii)	refer the family or child for additional services; or

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October 1, 2022. It shall remain effective for a period of 5 years and, at the end of September

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30, 2027, this Act, with no further action required by the General Assembly, shall be

abrogated and of no further force and effect.	
Approved:	
	Governor.
	Speaker of the House of Delegates.
	President of the Senate.