

HOUSE BILL 1256

D4, F1

2lr2253
CF SB 613

By: **Delegates Rosenberg, Dumais, and Kaiser**

Introduced and read first time: February 10, 2012

Assigned to: Judiciary and Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Child Sexual Abuse Reporting – Training of School Employees**

3 FOR the purpose of requiring the State Board of Education to develop a certain model
4 program by a certain date for training professional school employees on the
5 prevention, identification, and reporting of child sexual abuse; requiring that
6 the model program include certain information; authorizing the model program
7 to include a certain sexual abuse prevention curriculum; requiring certain
8 county boards of education and certain nonpublic schools to develop a certain
9 mandatory training program for all professional school employees by a certain
10 date; requiring certain county boards of education and certain nonpublic schools
11 to provide opportunities to participate in certain training to certain individuals;
12 requiring certain county boards of education and certain nonpublic schools to
13 make available certain information on the warning signs of sexual abuse and
14 certain counseling and resources for certain students in the school handbook
15 and on the school's Web site; defining certain terms; and generally relating to
16 training professional school employees on the prevention, identification, and
17 reporting of child sexual abuse.

18 BY adding to

19 Article – Education

20 Section 7–434

21 Annotated Code of Maryland

22 (2008 Replacement Volume and 2011 Supplement)

23 BY repealing and reenacting, with amendments,

24 Article – Family Law

25 Section 5–704

26 Annotated Code of Maryland

27 (2006 Replacement Volume and 2011 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Education**

4 **7-434.**

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
6 MEANINGS INDICATED.

7 (2) (I) “SEXUAL ABUSE” MEANS ANY ACT THAT INVOLVES
8 SEXUAL MOLESTATION OR EXPLOITATION OF A CHILD BY A PARENT OR OTHER
9 PERSON WHO HAS PERMANENT OR TEMPORARY CARE OR CUSTODY OR
10 RESPONSIBILITY FOR SUPERVISION OF A CHILD, OR BY ANY HOUSEHOLD OR
11 FAMILY MEMBER.

12 (II) “SEXUAL ABUSE” INCLUDES:

13 (I) INCEST, RAPE, OR SEXUAL OFFENSE IN ANY DEGREE;

14 (II) SODOMY; AND

15 (III) UNNATURAL OR PERVERTED SEXUAL PRACTICES.

16 (2) “SCHOOL EMPLOYEE” MEANS:

17 (I) AN EDUCATOR, AS DEFINED IN § 5-701(G) OF THE
18 FAMILY LAW ARTICLE;

19 (II) A VOLUNTEER SUPERVISED BY AN EDUCATOR; AND

20 (III) A HEALTH PRACTITIONER, AS DEFINED IN § 5-701(I) OF
21 THE FAMILY LAW ARTICLE, WHO IS SUPERVISED BY AN EDUCATOR.

22 (B) (1) BY DECEMBER 31, 2012, THE STATE BOARD, AFTER
23 CONSULTATION AND INPUT FROM THE COUNTY BOARDS, THE DEPARTMENT OF
24 HUMAN RESOURCES, AND THE STATE COUNCIL ON CHILD ABUSE AND
25 NEGLECT, SHALL DEVELOP A MODEL PROGRAM FOR THE ANNUAL TRAINING OF
26 SCHOOL EMPLOYEES ON THE PREVENTION, IDENTIFICATION, AND REPORTING
27 OF SEXUAL ABUSE.

28 (2) THE MODEL PROGRAM DEVELOPED UNDER PARAGRAPH (1)
29 OF THIS SUBSECTION SHALL INCLUDE:

1 **(I) METHODS TO CREATE SAFE ENVIRONMENTS BY**
2 **REDUCING OPPORTUNITIES FOR SEXUAL ABUSE;**

3 **(II) HOW TO PREVENT SEXUAL ABUSE BY RECOGNIZING**
4 **EARLY WARNING SIGNS OF POTENTIAL ABUSE;**

5 **(III) INDICATORS OF TYPICAL BEHAVIORS OF SEXUAL**
6 **PREDATORS, INCLUDING THE GROOMING PROCESS, BOUNDARY VIOLATIONS,**
7 **AND OTHER INAPPROPRIATE ACTIVITIES;**

8 **(IV) INFORMATION ON THE INCIDENCE OF SEXUAL ABUSE IN**
9 **AND CLOSE TO THE HOME OF A STUDENT;**

10 **(V) THE SIGNS AND SYMPTOMS OF SEXUAL ABUSE AND**
11 **SEXUAL VIOLENCE;**

12 **(VI) APPROPRIATE RESPONSES TO STUDENTS WHO REPORT**
13 **SEXUAL ABUSE, INCLUDING AVAILABLE COUNSELING AND RESOURCES FOR**
14 **STUDENTS AFFECTED BY SEXUAL ABUSE; AND**

15 **(VII) REQUIREMENTS FOR REPORTING SEXUAL ABUSE TO**
16 **APPROPRIATE STATE AGENCIES, AS REQUIRED UNDER §§ 5-704 AND 5-705 OF**
17 **THE FAMILY LAW ARTICLE.**

18 **(3) THE MODEL PROGRAM DEVELOPED UNDER PARAGRAPH (1)**
19 **OF THIS SUBSECTION MAY INCLUDE AN AGE-APPROPRIATE SEXUAL ABUSE**
20 **PREVENTION CURRICULUM FOR STUDENTS IN PREKINDERGARTEN THROUGH**
21 **GRADE 5.**

22 **(C) BY JUNE 1, 2013, EACH COUNTY BOARD AND NONPUBLIC SCHOOL**
23 **THAT PARTICIPATES IN STATE-FUNDED EDUCATION PROGRAMS SHALL:**

24 **(1) DEVELOP A MANDATORY TRAINING PROGRAM FOR ALL**
25 **SCHOOL EMPLOYEES BASED ON THE MODEL PROGRAM DEVELOPED UNDER**
26 **SUBSECTION (B) OF THIS SECTION;**

27 **(2) PROVIDE OPPORTUNITIES TO PARTICIPATE IN THE TRAINING**
28 **TO ALL SCHOOL VOLUNTEERS AND PARENTS AND GUARDIANS OF STUDENTS;**
29 **AND**

30 **(3) MAKE AVAILABLE TO ALL PARENTS AND GUARDIANS OF**
31 **STUDENTS INFORMATION ON THE WARNING SIGNS OF A CHILD WHO IS BEING**

1 **SEXUALLY ABUSED AND THE AVAILABLE COUNSELING AND RESOURCES FOR A**
2 **STUDENT AFFECTED BY SEXUAL ABUSE:**

3 **(I) IN THE SCHOOL HANDBOOK; AND**

4 **(II) ON THE SCHOOL'S WEB SITE.**

5 **Article – Family Law**

6 5–704.

7 (a) Notwithstanding any other provision of law, including any law on
8 privileged communications, each health practitioner, police officer, educator, or human
9 service worker, acting in a professional capacity in this State:

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

13 (2) if acting as a staff member of a hospital, public health agency, child
14 care institution, juvenile detention center, school, or similar institution, shall
15 immediately notify and give all information required by this section to the head of the
16 institution or the designee of the head.

17 (b) (1) An individual who notifies the appropriate authorities under
18 subsection (a) of this section shall make:

19 (i) an oral report, by telephone or direct communication, as
20 soon as possible to the local department or appropriate law enforcement agency; and

21 (ii) a written report:

22 1. to the local department not later than 48 hours after
23 the contact, examination, attention, or treatment that caused the individual to believe
24 that the child had been subjected to abuse or neglect; and

25 2. with a copy to the local State's Attorney.

26 (2) (i) An agency to which an oral report of suspected abuse or
27 neglect is made under paragraph (1) of this subsection shall immediately notify the
28 other agency.

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

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

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

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

6 (3) the whereabouts of the child;

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

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

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

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

14 **(D) THE STATE BOARD OF EDUCATION SHALL DEVELOP A MODEL**
15 **PROGRAM FOR TRAINING SCHOOL EMPLOYEES ON THE PREVENTION,**
16 **IDENTIFICATION, AND REPORTING OF SEXUAL ABUSE, AS REQUIRED UNDER §**
17 **7-434 OF THE EDUCATION ARTICLE.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 July 1, 2012.