

## **Chapter 343**

**(House Bill 860)**

AN ACT concerning

### **Children in Need of Assistance and Child Abuse and Neglect – Sexual Abuse – Definition**

FOR the purpose of altering the definition of “sexual abuse” for provisions of law relating to children in need of assistance, child abuse, and child neglect to include certain actions relating to human trafficking, obscene material, pornography, and prostitution; and generally relating to child sexual abuse.

BY repealing and reenacting, without amendments,  
Article – Courts and Judicial Proceedings  
Section 3–801(a) and 3–802(a)  
Annotated Code of Maryland  
(2006 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 3–801(x)  
Annotated Code of Maryland  
(2006 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,  
Article – Family Law  
Section 5–701(a) and 5–702  
Annotated Code of Maryland  
(2006 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,  
Article – Family Law  
Section 5–701(x)  
Annotated Code of Maryland  
(2006 Replacement Volume and 2011 Supplement)

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

#### **Article – Courts and Judicial Proceedings**

3–801.

(a) In this subtitle the following words have the meanings indicated.

(x) (1) “Sexual abuse” means an act that involves sexual molestation or sexual exploitation of a child by:

(i) A parent or other individual who has permanent or temporary care or custody or responsibility for supervision of the child; or

(ii) A household or family member.

(2) “Sexual abuse” includes:

**(I) ALLOWING OR ENCOURAGING A CHILD TO ENGAGE IN:**

**1. OBSCENE PHOTOGRAPHY, FILMS, POSES, OR SIMILAR ACTIVITY;**

**2. PORNOGRAPHIC PHOTOGRAPHY, FILMS, POSES, OR SIMILAR ACTIVITY; OR**

**3. PROSTITUTION;**

**(II) HUMAN TRAFFICKING;**

**[(i)] (III) Incest;**

**[(ii)] (IV) Rape;**

**[(iii)] (V) Sexual offense in any degree;**

**[(iv)] (VI) Sodomy; and**

**[(v)] (VII) Unnatural or perverted sexual practices.**

3–802.

(a) The purposes of this subtitle are:

(1) To provide for the care, protection, safety, and mental and physical development of any child coming within the provisions of this subtitle;

(2) To provide for a program of services and treatment consistent with the child’s best interests and the promotion of the public interest;

- (3) To conserve and strengthen the child's family ties and to separate a child from the child's parents only when necessary for the child's welfare;
- (4) To hold parents of children found to be in need of assistance responsible for remedying the circumstances that required the court's intervention;
- (5) Except as otherwise provided by law, to hold the local department responsible for providing services to assist the parents with remedying the circumstances that required the court's intervention;
- (6) If necessary to remove a child from the child's home, to secure for the child custody, care, and discipline as nearly as possible equivalent to that which the child's parents should have given;
- (7) To achieve a timely, permanent placement for the child consistent with the child's best interests; and
- (8) To provide judicial procedures for carrying out the provisions of this subtitle.

### **Article – Family Law**

5–701.

(a) Except as otherwise provided in § 5–705.1 of this subtitle, in this subtitle the following words have the meanings indicated.

(x) (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) ALLOWING OR ENCOURAGING A CHILD TO ENGAGE IN:**

- 1. OBSCENE PHOTOGRAPHY, FILMS, POSES, OR SIMILAR ACTIVITY;**
- 2. PORNOGRAPHIC PHOTOGRAPHY, FILMS, POSES, OR SIMILAR ACTIVITY; OR**
- 3. PROSTITUTION;**

**(II) HUMAN TRAFFICKING;**

- ~~[(i)]~~ **(III)** incest[.];
- (IV)** rape[.]; [or]
- (V)** sexual offense in any degree;
- ~~[(ii)]~~ **(VI)** sodomy; and
- ~~[(iii)]~~ **(VII)** unnatural or perverted sexual practices.

5-702.

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.

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

**Approved by the Governor, May 2, 2012.**