

APPENDIX A

Part 1

**ANNOTATED CODE OF MARYLAND – FAMILY LAW
TITLE 5 – CHILDREN**

Subtitle 7 – Child Abuse and Neglect

Resource: www.michie.lexisnexis.com/maryland

§ 5-701. Definitions.

(a) *In general.*- Except as otherwise provided in [§ 5-705.1 of this](#) subtitle, in this subtitle the following words have the meanings indicated.

(b) *Abuse.*- "Abuse" means:

(1) the physical or mental injury of a child by any 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, under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed; or

(2) sexual abuse of a child, whether physical injuries are sustained or not.

(c) *Administration.*- "Administration" means the Social Services Administration of the Department.

(d) *Central registry.*-

(1) Except as provided in paragraph (2) of this subsection, "central registry" means any component of the Department's confidential computerized database that contains information regarding child abuse and neglect investigations.

(2) "Central registry" does not include a local department case file.

(e) *Child.*- "Child" means any individual under the age of 18 years.

(f) *Court.*- Repealed by Acts 2005, ch. 464, § 2, effective January 1, 2006.

(g) *Educator or human service worker.*-

(1) "Educator or human service worker" means any professional employee of any correctional, public, parochial or private educational, health, juvenile service, social or social service agency, institution, or licensed facility.

(2) "Educator or human service worker" includes:

(i) any teacher;

(ii) any counselor;

(iv) any caseworker; and

(v) any probation or parole officer.

(i) *Health practitioner.*-

(1) "Health practitioner" includes any person who is authorized to practice healing under the [Health Occupations Article](#) or § [13-516 of the Education Article](#).

(2) "Health practitioner" does not include an emergency medical dispatcher.

(j) *Household.*- "Household" means the location:

(1) in which the child resides;

(2) where the abuse or neglect is alleged to have taken place; or

(3) where the person suspected of abuse or neglect resides.

(k) *Household member.*- "Household member" means a person who lives with, or is a regular presence in, a home of a child at the time of the alleged abuse or neglect.

(l) *Identifying information.*- "Identifying information" means the name of:

(1) the child who is alleged to have been abused or neglected;

(2) a member of the household of the child;

(3) a parent or legal guardian of the child; or

(4) an individual suspected of being responsible for abuse or neglect of the child.

(m) *Indicated.*- "Indicated" means a finding that there is credible evidence, which has not been satisfactorily refuted, that abuse, neglect, or sexual abuse did occur.

(n) *Law enforcement agency.*-

(1) "Law enforcement agency" means a State, county, or municipal police department, bureau, or agency.

(2) "Law enforcement agency" includes:

(i) a State, county, or municipal police department or agency;

(ii) a sheriff's office;

(iii) a State's Attorney's office; and

(iv) the Attorney General's office.

(o) *Local department.*- Except as provided in [§§ 5-705.1 and 5-714 of this subtitle](#), "local department" means the local department that has jurisdiction in the county:

(1) where the allegedly abused or neglected child lives; or

(2) if different, where the abuse or neglect is alleged to have taken place.

(p) *Local department case file.*- "Local department case file" means that component of the Department's confidential computerized database that contains information regarding child abuse and neglect investigations to which access is limited to the local department staff responsible for the investigation.

(q) *Local State's Attorney.*- "Local State's Attorney" means the State's Attorney for the county:

(1) where the allegedly abused or neglected child lives; or

(2) if different, where the abuse or neglect is alleged to have taken place.

(r) *Mental injury.*- "Mental injury" means the observable, identifiable, and substantial impairment of a child's mental or psychological ability to function.

(s) *Neglect.*- "Neglect" means the leaving of a child unattended or other failure to give proper care and attention to a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of the child under circumstances that indicate:

(1) that the child's health or welfare is harmed or placed at substantial risk of harm; or

(2) mental injury to the child or a substantial risk of mental injury.

(t) *Police officer.*- "Police officer" means any State or local officer who is authorized to make arrests as part of the officer's official duty.

(u) *Record.*- "Record" means the original or any copy of any documentary material, in any form, including a report of suspected child abuse or neglect, that is made by, received by, or received from the State, a county, or a municipal corporation in the State, or any subdivision or agency concerning a case of alleged child abuse or neglect.

(v) *Report.*- "Report" means an allegation of abuse or neglect, made or received under this subtitle.

(w) *Ruled out.*- "Ruled out" means a finding that abuse, neglect, or sexual abuse did not occur.

(x) *Sexual abuse.*-

(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) incest, rape, or sexual offense in any degree;

(ii) sodomy; and

(iii) unnatural or perverted sexual practices.

(y) *Unsubstantiated*.- "Unsubstantiated" means a finding that there is an insufficient amount of evidence to support a finding of indicated or ruled out.

[1987, ch. 635, § 2; 1989, ch. 395; ch. 730, §§ 1, 2; 1993, ch. 318, § 1; 1994, ch. 728; 1998, ch. 46; 1999, ch. 214; 2001, ch. 414; 2002, ch. 279; 2003, ch. 308; 2005, ch. 464, §§ 2, 3; 2006, ch. 44, § 6.]

§ 5-702. Legislative policy.

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.

[1987, ch. 635, § 2.]

§ 5-703. Scope and applicability of subtitle.

(a) *Scope.*- The provisions of this subtitle are in addition to and not in substitution for the provisions of Title 3, Subtitle [8 of the Courts and Judicial Proceedings Article](#).

(b) *Applicability.*- Except as otherwise provided in [§ 5-705.1 of this subtitle](#), the provisions of this subtitle apply only to:

(1) suspected abuse or neglect that is alleged to have occurred in this State; and

(2) suspected abuse or neglect of a child who lives in this State, regardless of where the suspected abuse or neglect is alleged to have occurred.

[1987, ch. 635, § 2; 2003, ch. 308.]

§ 5-704. Reporting of abuse or neglect - By health practitioner, police officer, educator or human service worker.

(a) *In general.*- Notwithstanding any other provision of law, including any law on privileged communications, each health practitioner, police officer, educator, or human service worker, acting in a professional capacity in this State:

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

(ii) who has reason to believe that a child has been subjected to neglect, shall notify the local department; and

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

(b) *Oral and written reports; cooperation among departments and agencies.*-

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

(i) an oral report, by telephone or direct communication, as soon as possible:

1. to the local department or appropriate law enforcement agency if the person has reason to believe that the child has been subjected to abuse; or

2. to the local department if the person has reason to believe that the child has been subjected to neglect; and

(ii) a written report:

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

2. with a copy to the local State's Attorney if the individual has reason to believe that the child has been subjected to abuse.

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

(ii) This paragraph does not prohibit a local department and an appropriate law

enforcement agency from agreeing to cooperative arrangements.

(c) *Contents of report.* - Insofar as is reasonably possible, an individual who makes a report under this section shall include in the report the following information:

- (1) the name, age, and home address of the child;
- (2) the name and home address of the child's parent or other person who is responsible for the child's care;
- (3) the whereabouts of the child;
- (4) the nature and extent of the abuse or neglect of the child, including any evidence or information available to the reporter concerning possible previous instances of abuse or neglect; and
- (5) any other information that would help to determine:
 - (i) the cause of the suspected abuse or neglect; and
 - (ii) the identity of any individual responsible for the abuse or neglect.

[1987, ch. 635, § 2; 1989, ch. 730, §§ 1, 2; 1997, chs. 367, 368; 1998, ch. 21, § 1; 2000, ch. 61, § 1; 2003, ch. 308.]

§ 5-705. Reporting of abuse or neglect - By other persons.

(a) *In general.*-

(1) Except as provided in paragraphs (2) and (3) of this subsection, notwithstanding any other provision of law, including a law on privileged communications, a person in this State other than a health practitioner, police officer, or educator or human service worker who has reason to believe that a child has been subjected to abuse or neglect shall:

(i) if the person has reason to believe the child has been subjected to abuse, notify the local department or the appropriate law enforcement agency; or

(ii) if the person has reason to believe the child has been subjected to neglect, notify the local department.

(2) A person is not required to provide notice under paragraph (1) of this subsection:

(i) in violation of the privilege described under § [9-108 of the Courts Article](#);

(ii) if the notice would disclose matter communicated in confidence by a client to the client's attorney or other information relating to the representation of the client; or

(iii) in violation of any constitutional right to assistance of counsel.

(3) A minister of the gospel, clergyman, or priest of an established church of any denomination is not required to provide notice under paragraph (1) of this subsection if the notice would disclose matter in relation to any communication described in § [9-111 of the Courts Article](#) and:

(i) the communication was made to the minister, clergyman, or priest in a professional character in the course of discipline enjoined by the church to which the minister, clergyman, or priest belongs; and

(ii) the minister, clergyman, or priest is bound to maintain the confidentiality of that communication under canon law, church doctrine, or practice.

(b) *Notification of other agency; cooperative agreements.*-

(1) An agency to which a report of suspected abuse is made under subsection (a) of this section shall immediately notify the other agency.

(2) This subsection does not prohibit a local department and an appropriate law enforcement agency from agreeing to cooperative arrangements.

(c) *Form of report.*- A report made under subsection (a) of this section may be oral or in writing.

(d) *Contents of report.*-

(1) To the extent possible, a report made under subsection (a) of this section shall include the information required by § 5-704 (c) of this subtitle.

(2) A report made under subsection (a) of this section shall be regarded as a report within the provisions of this subtitle, whether or not the report contains all of the information required by § 5-704(c) of this subtitle.

[1987, ch. 635, § 2; 1988, chs. 769, 770; 1989, ch. 5, § 1; 1991, ch. 55, § 1; 2003, ch. 308.]

§ 5-705.1. Reporting of abuse or neglect - To local department of social services.

(a) *"Local department" defined.*- In this section, "local department" means a department of social services for a county in this State.

(b) *Applicability.*- The following provisions of this subtitle shall apply to the reporting of suspected abuse or neglect under this section:

(1) except as provided in subsection (a) of this section, the definitions set forth in [§ 5-701 of this](#) subtitle;

(2) the provisions relating to the confidentiality of reports specified in § 5-707(a)(1) and (2) of this subtitle; and

(3) the provisions relating to immunity from civil liability or criminal penalty specified in [§ 5-708 of this](#) subtitle.

(c) *Form of report.*-

(1) If suspected abuse or neglect is alleged to have occurred outside of this State and the victim is currently a child who lives outside of this State, a person who would be required to report suspected abuse or neglect under the provisions of § 5-704 or [§ 5-705 of this](#) subtitle shall report the suspected abuse or neglect to any local department in accordance with paragraph (2) of this subsection.

(2) A person described in [§ 5-704 of this](#) subtitle shall make:

(i) an oral report, by telephone or direct communication, as soon as possible; and

(ii) a written report not later than 48 hours after the contact, examination, attention, or treatment that caused the person to believe that the child had been subjected to abuse or neglect.

(3) A person described in [§ 5-705 of this](#) subtitle shall make an oral or a written report.

(4) To the extent possible, a report under this subsection shall include the information specified in § 5-704(c) of this subtitle.

(d) *Forwarding of report.*- Promptly after receiving a report of suspected abuse or neglect under this section, the local department shall forward the report to the appropriate agency outside of this State that is authorized to receive and investigate reports of suspected abuse or neglect.

§ 5-708. Immunity of person making report.

Any person who makes or participates in making a report of abuse or neglect under § 5-704, § 5-705, or [§ 5-705.1 of this](#) subtitle or participates in an investigation or a resulting judicial proceeding shall have the immunity described under § [5-620 of the Courts and Judicial](#) Proceedings Article from civil liability or criminal penalty.

[1987, ch. 635, § 2; 1990, ch. 546, § 3; 1997, ch. 14, § 20; 2003, ch. 308.]

§ 5-620. Persons reporting child abuse or neglect.

Any person who in good faith makes or participates in making a report of **abuse** or **neglect** under § 5-704, § 5-705, or § 5-705.1 of the [Family Law Article](#) or participates in an investigation or a resulting judicial proceeding is immune from any civil liability or criminal penalty that would otherwise result from making or participating in a report of **abuse** or **neglect** or participating in an investigation or a resulting judicial proceeding.

[1990, ch. 546, § 3; 1997, ch. 14, § 9; 2003, ch. 308.]

APPENDIX A

Part 2

CODE OF MARYLAND REGULATIONS Title 07 DEPARTMENT OF HUMAN RESOURCES Subtitle 02 SOCIAL SERVICES ADMINISTRATION

Chapter 07 Child Protective Services – Investigation of Child Abuse and Neglect

Resource: www.dsd.state.md.us/comar/comar.htm

07.02.07.01

.01 Purpose and Scope.

A. The purpose of Child Protective Services (CPS) is to stop and prevent child abuse and neglect through the:

- (1) Investigation of child abuse and neglect; and
- (2) Initiation of protective and other services for:
 - (a) Children who are believed to have been abused or neglected;
 - (b) Parents or other adults having permanent or temporary care, custody, or responsibility for supervision of abused or neglected children; and
 - (c) Household or family members of abused or neglected children.

B. The goals of CPS are to:

- (1) Promptly investigate reports of child abuse and neglect;
- (2) Determine what services or plans for care are required to protect a child from being abused or neglected;
- (3) Initiate services as appropriate to:
 - (a) Promote safety;
 - (b) Reduce the risk of future or further abuse or neglect; and
 - (c) Remedy the effects of past abuse or neglect; and
- (4) Create and maintain accurate reports and records that can serve as tools in providing services and in subsequent investigations.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Administration" means the Social Services Administration of the Department of Human Resources.

(2) "Alleged abuser" means an individual found by a local department to have been responsible for the abuse of a child.

(3) "Alleged neglector" means an individual found by a local department to have been responsible for the neglect of a child.

(4) Caretaker.

(a) "Caretaker" means an individual who has, or is known to a child through having had, permanent or temporary care, custody, or responsibility for supervision of the child.

(b) "Caretaker" includes, but is not limited to, a stepparent, foster parent, guardian, custodian, or employee or volunteer in a facility or program caring for a child.

(5) "Central registry" means the component of the Department's Client Information System (CIS) or other confidential computerized database that contains information regarding child abuse and neglect investigations.

(6) "Child" means an individual younger than 18 years old.

(7) "Child abuse" means one or more of the following by a parent, caretaker, or household or family member:

(a) Physical injury, not necessarily visible, or mental injury of a child, under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed; or

(b) Sexual abuse of a child, regardless of whether the child has physical injuries.

(8) "Child neglect" means one or more of the following by a parent or caretaker:

(a) A failure to provide proper care and attention to a child, including leaving a child unattended, under circumstances that indicate that the child's health or welfare is harmed or placed at substantial risk of harm; or

(b) Mental injury or a substantial risk of mental injury of a child that is caused by the failure to provide proper care and attention to a child.

(9) "Children in need of assistance (CINA)" has the meaning defined in Courts and Judicial Proceedings Article, §3-801(f), Annotated Code of Maryland.

(10) "Client Information System (CIS)" means the Department's automated database that maintains data related to services provided by local departments.

(11) "Custodian" means an agency or individual, other than a child's parent or legal guardian, to whom a court has given legal custody.

(12) "Department" means the Department of Human Resources.

(13) "Educator or human service worker" means any professional employee of a:

(a) Correctional institute;

(b) Public, parochial, or private educational facility;

(c) Health care facility;

(d) Juvenile services facility;

(e) Social service agency or institution; or

(f) Licensed facility which includes, but is not limited to:

(i) Caseworkers;

(ii) Counselors;

(iii) Probation or parole officers;

(iv) Social workers; and

(v) Teachers.

(14) Failure to Give Proper Care and Attention.

(a) "Failure to give proper care and attention" means the omission of proper care or attention or the provision of improper care or attention.

(b) "Failure to give proper care and attention" includes leaving a child unattended.

(15) "Family member" means a relative by blood, adoption, or marriage.

(16) "Final ruling" means a finding of the local department after all timely appeals have been taken and decided.

(17) "Health practitioner" means an individual who is authorized to practice healing under Health Occupations Article, Annotated Code of Maryland.

(18) "Household" means the location in which a child or caretaker resides.

(19) "Household member" means an individual who lives in, or is regularly present in, a household.

(20) Identifying Information.

(a) "Identifying information" means information relating to the identity of an individual associated with a report of child abuse or neglect.

(b) "Identifying information" includes, but is not limited to, the name of:

(i) The child who is alleged to have been abused or neglected;

(ii) A member of the household;

(iii) A parent or legal guardian of the child; or

(iv) An individual suspected of being responsible for child abuse or neglect.

(21) "Indicated" means a finding that there is credible evidence, which has not been satisfactorily refuted, that abuse or neglect occurred.

(22) "Law enforcement agency" means a State, county, or municipal police department, bureau, or agency which includes but is not limited to, a:

(a) State, county, or municipal police department or agency;

(b) Sheriff's office;

(c) State's Attorney's office; and

(d) Attorney General's office.

(23) "Local department" means the department of social services, or the Montgomery County Department of Health and Human Services, that has jurisdiction in a county or Baltimore City to investigate or assist in the investigation of a report of suspected abuse or neglect.

(24) "Local department case file" means the component of the Department's confidential computerized database that contains information regarding child abuse and neglect investigations to which access is limited to the local department staff responsible for the investigation.

(25) "Maltreatment" means child abuse or child neglect.

(26) "Maltreater" means an individual who has abused or neglected a child.

(27) "Maryland Children's Electronic Social Services Information Exchange (MD CHESSIE)" means Maryland's Statewide-automated case management system.

(28) "Mental injury" means the observable, identifiable, and substantial impairment of a child's mental or psychological ability to function.

(29) "Multidisciplinary case consultation team" means a group of professionals convened regularly or as needed by a local department or the Administration to consult regarding investigation, service, or treatment of a child or family.

(30) Out-of-Home Care.

(a) "Out-of-home care" means care provided to a child in a setting other than the home of the child's parent or guardian.

(b) "Out-of-home care" includes, but is not limited to, day care, foster care, residential or 24-hour care, respite care, preschool, school, camp, or recreational programs.

(31) "Police officer" means any State or local officer who is authorized to make arrests as part of the officer's official duty.

(32) "Preponderance of the evidence" means that it is more likely than not that an act or omission occurred.

(33) Providing Proper Care and Attention.

(a) "Providing proper care and attention" means providing care appropriate to the child's needs and development.

(b) "Providing proper care and attention" includes, but is not limited to:

(i) Providing appropriate food, clothing, shelter, medical care, nurturing, activity, guardianship, and supervision; and

(ii) Caring and planning for the child's welfare.

(34) "Receiving a report" means obtaining sufficient information to initiate an investigation.

(35) Record.

(a) "Record" means the original or a copy of documentary material, in any form, concerning an investigation of suspected child abuse or neglect.

(b) "Record" includes a report of suspected child abuse or neglect received by or from a state, county, or municipal corporation in a state, or any subdivision or agency.

(36) "Regularly present in a household" means visiting or staying in a home with sufficient frequency to make an individual a significant part of the child's or family's life.

(37) "Report" means an allegation of child abuse or neglect made or received under Family Law Article, Title 7, Subtitle 5, Annotated Code of Maryland, and this chapter.

(38) "Ruled out" means a finding that abuse or neglect did not occur.

(39) "Sexual abuse" means any act that involves sexual molestation or exploitation of a child.

(40) Sexual Molestation or Exploitation.

(a) "Sexual molestation or exploitation" means sexual contact or conduct with a child.

(b) "Sexual molestation or exploitation" includes, but is not limited to:

(i) Exposure, voyeurism, sexual advances, kissing, or fondling;

(ii) Sexual crime in any degree including rape, sodomy, or prostitution; or

(iii) Allowing, encouraging, or engaging in obscene or pornographic display, photographing, filming, or depiction of a child in a manner prohibited by law.

(41) "Substantial risk of harm" means a foreseeable risk of harm to a child during alleged child abuse or neglect.

(42) "Suspected abuser" means an individual reported to or suspected by a local department as having been responsible for abuse of a child.

(43) "Suspected neglecter" means an individual reported to or suspected by a local department as having been responsible for neglect of a child.

(44) "Unsubstantiated" means a finding that there is insufficient evidence to support a finding of indicated or ruled out.

07.02.07.03

.03 Eligibility for Child Protective Services (CPS).

A. The following, regardless of economic circumstances, are eligible for CPS:

- (1) The child suspected of being abused or neglected;
- (2) The alleged maltreater; and
- (3) Household and family members.

B. A disabled infant with a life-threatening condition who does not receive appropriate nutrition, hydration, medication, or medical care is eligible for CPS as a neglected child, as defined by 42 U.S.C. §5106g.

C. As required by COMAR 07.02.04.07E, if a parent, guardian, or custodian is unwilling to apply in writing for CPS on the form prescribed by the Administration, the local department may note the refusal and sign the form.

D. If a local department provides services such as homemaker, day care, or legal services as part of a service plan of protective services for children, the local department shall determine eligibility for these services or for any applicable waiver of fees under COMAR 07.02.04.

.04 Reporting Suspected Child Abuse or Neglect.

A. Except as provided in §§B—E of this regulation, an individual who has reason to believe that a child has been abused or neglected shall immediately, in a case of:

- (1) Abuse, notify a local law enforcement agency or a local department; and
- (2) Neglect, notify a local department.

B. Mandated Reporters.

(1) A health practitioner, educator, human service worker, or police officer shall report suspected child abuse or neglect:

- (a) Immediately, by oral report; and
- (b) In writing, within 48 hours of the contact that revealed the suspected abuse or neglect.

(2) Upon request, a local department shall distribute a supply of forms created by the Administration to individuals who are required to report child abuse or neglect in writing.

(3) An individual required to submit a written report:

- (a) May use the Administration form described in §B(2) of this regulation;
- (b) Shall send the written report to the local department; and
- (c) In the case of suspected child abuse, shall send a copy of the report to the local State's Attorney's office.

C. An employee of a local department who, in the course of employment, receives a report of suspected child abuse or neglect communicated formally or informally to the employee, or who otherwise has reason to suspect that child abuse or neglect has occurred, shall immediately report the information to the CPS unit within the local department for prompt investigation.

D. A report shall include as much of the following information the individual making the report is able to provide:

- (1) The names and home addresses of the child, both parents, and any other individual responsible for the care of the child;
- (2) The present location of the child;
- (3) The child's age;
- (4) The names and ages of other children in the home;
- (5) The specific nature and extent of injury, sexual abuse, or failure to provide proper care and attention of the child, and any information known to the individual making the report of possible previous abuse or neglect;

(6) Other information that:

(a) Might aid in establishing the cause of injury;

(b) Assists in identifying the individual or individuals responsible for the abuse or neglect; or

(c) Relates to the identification of risk; and

(7) In the case of suspected child abuse or neglect involving a mental injury:

(a) A description of the substantial impairment of the child's mental or psychological ability to function that was observed and identified; and

(b) An explanation of why the reporter believes the mental injury is attributable to maltreatment or failure to provide proper care and attention.

E. An individual is not required to report suspected child abuse or neglect in violation of:

(1) The attorney-client privilege under Courts and Judicial Proceedings Article, §9-108, Annotated Code of Maryland, which includes disclosure of information:

(a) Communicated in confidence by a client to the client's attorney, or other information relating to the representation of the client; or

(b) That would violate a constitutional right to assistance of counsel; or

(2) The privilege described in Courts and Judicial Proceedings Article, §9-111, Annotated Code of Maryland, pertaining to communications to a minister of the gospel, clergyman, priest, or rabbi of an established church of any denomination received in a professional capacity under circumstances where the professional is bound to maintain the confidentiality of that communication under canon law, church doctrine, or practice.

APPENDIX A

Part 3

LOCAL CPS OFFICES

REPORTING FORM

Local Departments of Social Services Child Protective Services for the State of Maryland

(Office Hours 8:30 A.M. - 5:00 P.M.)

Allegany County

TEL (301) 784-7122
After hours: (301) 759-0362
FAX (301) 784-7244

P.O. Box 1420
1 Frederick Street
Cumberland, Maryland 21501-1420

Baltimore City

TEL (410) 361-2235 (24 hours)
FAX (443) 423-7003 or 7002
FAX after 3:30-hours(443) 423-5950

1900 N. Howard Street
Baltimore, Maryland 21218

Calvert County

TEL (443) 550-6969
(After hours: 410-286-2100)
(Toll Free: 1-800-787-9428)
FAX (410) 286-7429

200 Duke Street
Prince Frederick, Maryland 20678

Carroll County

TEL (410) 386-3434 (24 hours)
(Baltimore Area: 410-876-2190)
FAX (410) 386-3477

10 Distillery Drive
Westminster, Maryland 21157

Charles County

TEL (301) 392-6739
(After hours: 301-934-2222) Sheriff's Ofc.
FAX (301) 934-2662

P.O. Box 1010
200 Kent Avenue
LaPlata, Maryland 20646

Frederick County

(301) 600-2464
(After hours (301) 600-2100) Police Dept.
FAX (301) 600-2639

100 East All Saints Street
Frederick, Maryland 21701

Harford County

TEL (410) 836-4713
(After hours: 410-838-6600) Sheriff's Ofc.
FAX (410) 836-4945

2 South Bond Street
Bel Air, Maryland 21014

Kent County

TEL (410) 810-7600
(After hours: 410-758-1101)
FAX (410) 778-1497

350 High St.
Chestertown, Maryland 21620

Prince George's County

TEL (301) 909-2450

Anne Arundel County

TEL (410) 421-8400 (24 hours)
FAX (410) 508-2041

7500 Ritchie Hywy.
Glen Burnie, Maryland 21061

Baltimore County

TEL (410) 853-3000 (24 hours) (Option 1)
FAX (410) 853-3698

Drumcastle Government Center
6401 York Road
Baltimore, Maryland 21212

Caroline County

TEL (410) 819-4500
(After hours: 410-479-2515) Sheriff's Ofc.
FAX (410) 819-4501

207 South Third Street
Denton, Maryland 21629

Cecil County

TEL (410) 996-0100 (Option 3)
(After hours: 410-996-5350)
FAX (410) 996-0228

170 East Main Street
Elkton, Maryland 21922-1160

Dorchester County

TEL (410) 901-4100
(After hours: 410-221-3246)
FAX (410) 901-1060

P.O. Box 217
627 Race Street
Cambridge, Maryland 21613

Garrett County

TEL (301) 533-3005
(After hours: 301-334-1911) Sheriff's Ofc.
FAX (301) 334-5413

12578 Garrett Highway
Oakland, Maryland 21550

Howard County

TEL (410) 872-8700
(After hours: 410-313-2929) Police Dept.
FAX (410) 872-4303

7121 Columbia Gateway Drive
Columbia, Maryland 21046

Montgomery County

TEL (240) 777-4417 (24 hours)
FAX (240) 777-4258

The Dept. of Health & Human Services
1301 Piccard Drive
Rockville, Maryland 20850

Queen Anne's County

TEL (410) 758-8000 (all hours)

INSTRUCTIONS

REQUIRED REPORTERS:

Every health practitioner, educator, social worker, or law-enforcement officer, who contacts, examines, attends or treats a child and who believes or has reason to believe that the child has been abused/neglected is required to make an oral and written report to either Social Services or the Police.

TIMELINES:

An oral report of suspected child abuse and neglect must be made immediately. A written report must also be submitted by mandated reporters within 48 hours after the contact, examination, attention, or treatment that caused the individual to believe that the child had been subjected to abuse or neglect. It is not necessary to observe outward signs of injury to the child. Neither is it necessary for the reporter to establish proof that abuse/neglect occurred. Protection of the child is paramount. If abuse/neglect is suspected, a report must be submitted.

DEFINITIONS OF CHILD ABUSE AND CHILD NEGLECT:

"Child abuse" means: (COMAR 07.02.07.02)

Physical injury, not necessarily visible, or mental injury of a child by a parent, other individual who has permanent or temporary care or custody or responsibility for supervision of a child, or by a household or family member under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed;

Any sexual abuse, meaning an act or acts involving sexual molestation or exploitation, whether physical injuries are sustained or not by a parent, other individual who has permanent or temporary care or custody or responsibility for supervision of a child, or by a household or family member; or

Mental injury, meaning the observable, identifiable and substantial impairment of a child's mental or psychological ability to function, that is caused by the act of a parent or other individual who has permanent or temporary care, or custody or responsibility for supervision of the child, or by a household or family member.

"Child Neglect" means: (COMAR 07.02.07.02)

"Child Neglect" means the failure to give proper care and attention to a child, including the leaving of a child unattended by the child's parent, or other individual who has permanent or temporary care or custody, or responsibility for supervision of the child, under circumstances that indicate that the child's health or welfare is harmed or placed at substantial risk of harm; or

Mental injury to a child, meaning the observable, identifiable and substantial impairment of a child's mental or psychological ability to function, or a substantial risk of mental injury that is caused by the failure to give proper care and attention to a child by the child's parents, or other individual who has permanent or temporary care or custody, or responsibility for supervision of the child.

COMPLETING THE FORM 180:

Respond to each item even if reply is "unknown" or "none". Use additional paper if necessary to complete any given section.

1. **Name of Local Department Being Notified:** For suspected child abuse/neglect an oral report must be made to the Local Child Protective Services unit in the jurisdiction where the incident allegedly took place. This written report must be filed within 48 hours after making an oral report.
2. **Person Making Report (Name):** This should always be the person who witnessed or has first hand knowledge of the incident. Any person including a health practitioner educator, social worker, or law-enforcement officer, participating in the making of a good faith report, or participating in an investigation or in a judicial proceeding resulting therefore shall in so doing be immune from any civil liability or criminal penalty that might otherwise be incurred or imposed as a result.
6. **Type of Referral:** Please check only one box per report being submitted.
7. **Name of Child:** Identify only one child per report.
11. Address where child can be seen should include both daytime and after normal working hours.
29. **Report Taken:** There are some types of referrals that are inappropriate for child abuse/neglect investigation. The Local Department is available for consultation when there is uncertainty regarding a situation. If your concerns do not meet the criteria for investigation, you will be referred to alternate resources, when possible. When contacting the local department record the name of the person you spoke with and the outcome of the conversation in your records. If the oral report of abuse/neglect is not taken by the local department still send in the written report and keep a copy for your records.

State of Maryland-Child Protective Services
REPORT OF SUSPECTED CHILD ABUSE/NEGLECT
(see instructions on reverse side)

1. NAME OF LOCAL DEPARTMENT BEING NOTIFIED		ADDRESS		ZIP
2. PERSON MAKING REPORT <i>(Name)</i>			3. POSITION/TITLE	
4. NAME OF DEPARTMENT/ORGANIZATION		ADDRESS	ZIP	5. TELEPHONE
6. TYPE OF REFERRAL <input type="checkbox"/> PHYSICAL ABUSE <input type="checkbox"/> SEXUAL ABUSE <input type="checkbox"/> NEGLECT <input type="checkbox"/> MENTAL INJURY-ABUSE <input type="checkbox"/> MENTAL INJURY-NEGLECT				
7. NAME OF CHILD		8. SEX	9. BIRTH DATE	10. RACE
11. ADDRESS <i>(Where Child Can Be Seen)</i>			CITY	STATE ZIP
12. GRADE		13. SCHOOL		
14. NAME OF PERSON RESPONSIBLE FOR CHILDS CARE		14A. AGE/D.O.B.	14B. ADDRESS	
			14C. TELEPHONE	
PARENTS/GUARDIAN		AGE/D.O.B	ADDRESS	
MOTHER:				
FATHER:				
GUARDIAN <i>(Specify Relation):</i>				
15. NAME OF SUSPECTED ABUSER/NEGLECTOR	16. RELATION	17. AGE/D.O.B.	18. ADDRESS	
19. TELEPHONE				
20. STATE NATURE EXTENT OF THE CURRENT ABUSE/NEGLECT TO THE CHILD IN QUESTION: EXPLAIN THE CIRCUMSTANCES LEADING TO THE SUSPICION THE CHILD IS AN ABUSE/NEGLECT VICTIM. DESCRIBE ANY INJURY OR RISK. DESCRIBE HOW REPORTER KNOWS INFORMATION.				
21. LIST INFORMATION CONCERNING PREVIOUS ABUSE/NEGLECT TO THE CHILDREN/OTHER CHILDREN IN THE FAMILY, INCLUDING PREVIOUS ACTION TAKEN. HOW DOES THE REPORTER KNOW THIS INFORMATION?				
22. DESCRIBE INFORMATION KNOWN ABOUT FAMILY FUNCTIONING, RELATIONSHIP BETWEEN PARENT, CARETAKER, OTHER ADULTS IN HOME AND CHILDREN AND LIKELY RESPONSE BY FAMILY TO DISCLOSURE. HOW DOES THE REPORTER KNOW THIS INFORMATION?				
23. STATE ANY OTHER AVAILABLE INFORMATION THAT WOULD AID IN ESTABLISHING THE CAUSE OF THE ALLEGED ABUSE/NEGLECT.				
24. ARE WEAPONS IN THE HOME OR KNOWN TO BE CARRIED BY THE FAMILY OR ACCUSED ABUSER? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown		25. IS THERE A HISTORY OF VIOLENCE, DRUGS, MENTAL ILLNESS OR RETALIATION IN THE FAMILY? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown		26. IF YES TO EITHER, DESCRIBE IN DETAIL ON SEPARATE SHEET OF PAPER
27. SIGNATURE OF PERSON REPORTING		DATE	28. DATE / HOUR ORAL CONTACT IN LDSS	
29. REPORT TAKEN <input type="checkbox"/> Yes <input type="checkbox"/> No		30. NAME OF LDSS STAFF PERSON TO WHOM ORAL REPORT WAS MADE		