

# HOUSE BILL 1550

O4, F5, D4

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By: **Delegate Arikan**

Introduced and read first time: February 7, 2020

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Child Care Providers – Notice of Allegations of Child Abuse or Neglect**  
3 **(Aiden’s Law)**

4 FOR the purpose of requiring the designee of the State Superintendent of Schools, on  
5 receipt of a certain notification of a certain allegation of child abuse or neglect, to  
6 ensure that a certain notice has been provided; requiring a certain family child care  
7 provider or child care center to provide a certain notice to certain parents and  
8 guardians within a certain period of time after first having knowledge of a certain  
9 report or incident of suspected child abuse or neglect; specifying the contents of the  
10 notice; prohibiting a person from providing the notice under certain circumstances;  
11 establishing certain penalties; defining certain terms; and generally relating to child  
12 care providers and reports of suspected child abuse or neglect.

13 BY repealing and reenacting, with amendments,  
14 Article – Education  
15 Section 9.5–309(a), 9.5–312, 9.5–418, and 9.5–419(a)  
16 Annotated Code of Maryland  
17 (2018 Replacement Volume and 2019 Supplement)

18 BY adding to  
19 Article – Education  
20 Section 9.5–309.1 and 9.5–419.1  
21 Annotated Code of Maryland  
22 (2018 Replacement Volume and 2019 Supplement)

23 BY repealing and reenacting, without amendments,  
24 Article – Family Law  
25 Section 5–704(a), 5–705(a), and 5–705.3  
26 Annotated Code of Maryland  
27 (2019 Replacement Volume)

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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 MARYLAND,  
2 That the Laws of Maryland read as follows:

3 **Article – Education**

4 9.5–309.

5 (a) Upon receipt of the notification required under § 5–705.3 of the Family Law  
6 Article, the State Superintendent’s designee shall [convene,]:

7 (1) **CONVENE**, either in person or by telephone, a multidisciplinary team  
8 to coordinate procedures in accordance with the agreement developed under § 5–706(f) of  
9 the Family Law Article to be followed in investigating and otherwise responding to the  
10 report; AND

11 (2) **ENSURE THE NOTICE REQUIRED UNDER § 9.5–309.1 OF THIS**  
12 **SUBTITLE HAS BEEN PROVIDED BY:**

13 (i) **THE FAMILY CHILD CARE PROVIDER; OR**

14 (ii) **IF MORE APPROPRIATE, ANOTHER PERSON SELECTED BY**  
15 **THE STATE SUPERINTENDENT’S DESIGNEE.**

16 **9.5–309.1.**

17 (A) (1) **IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
18 **INDICATED.**

19 (2) **“CHILD ADVOCACY CENTER” HAS THE MEANING STATED IN §**  
20 **13–2201 OF THE HEALTH – GENERAL ARTICLE.**

21 (3) **“LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED IN §**  
22 **5–701 OF THE FAMILY LAW ARTICLE.**

23 (4) **“LOCAL DEPARTMENT” HAS THE MEANING STATED IN § 5–701 OF**  
24 **THE FAMILY LAW ARTICLE.**

25 (B) **EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A FAMILY**  
26 **CHILD CARE PROVIDER SHALL PROVIDE NOTICE TO THE PARENTS OR GUARDIANS**  
27 **OF ALL CHILDREN WHO ARE UNDER THE CARE OF THE CHILD CARE PROVIDER**  
28 **WITHIN 24 HOURS AFTER FIRST HAVING KNOWLEDGE OF:**

29 (1) **A REPORT REQUIRED UNDER § 5–704 OR § 5–705 OF THE FAMILY**  
30 **LAW ARTICLE OF SUSPECTED CHILD ABUSE OR NEGLECT THAT IS ALLEGED TO HAVE**

1 OCCURRED ON THE PREMISES OF THE FAMILY CHILD CARE HOME OR LARGE FAMILY  
2 CHILD CARE HOME; OR

3 (2) AN INCIDENT OF SUSPECTED CHILD ABUSE OR NEGLECT THAT IS  
4 ALLEGED TO HAVE OCCURRED ON THE PREMISES OF THE FAMILY CHILD CARE HOME  
5 OR LARGE FAMILY CHILD CARE HOME.

6 (C) THE NOTICE REQUIRED UNDER SUBSECTION (B) OF THIS SECTION  
7 SHALL BE PROVIDED IN WRITING, IN PERSON, OR ELECTRONICALLY, AND SHALL  
8 INCLUDE:

9 (1) A STATEMENT THAT A SUSPECTED INCIDENT OF CHILD ABUSE OR  
10 NEGLECT OCCURRED ON THE PREMISES OF THE FAMILY CHILD CARE HOME OR  
11 LARGE FAMILY CHILD CARE HOME;

12 (2) THE CONTACT INFORMATION FOR THE LOCAL CHILD ADVOCACY  
13 CENTER; AND

14 (3) ANY OTHER APPROPRIATE INFORMATION RELATING TO LOCAL  
15 RESOURCES FOR CHILD MENTAL HEALTH CARE.

16 (D) A PERSON MAY NOT PROVIDE THE NOTICE REQUIRED UNDER THIS  
17 SECTION IF THE LOCAL DEPARTMENT OR LOCAL LAW ENFORCEMENT AGENCY THAT  
18 RECEIVES THE REPORT OF SUSPECTED CHILD ABUSE OR NEGLECT ADVISES THAT  
19 PROVIDING THE NOTICE WOULD INTERFERE WITH AN ONGOING INVESTIGATION.

20 9.5–312.

21 (a) Except as provided in [subsection] SUBSECTIONS (b) AND (C) of this section  
22 and subject to the provisions of subsection [(d)] (E) of this section, a person who violates  
23 any provision of this subtitle or any rule or regulation adopted under this subtitle is subject  
24 to a civil penalty imposed in a civil action not exceeding \$1,000 for each violation.

25 (b) (1) A person who violates § 9.5–304(a) or (c) of this subtitle and is served a  
26 civil citation under that section is subject to a civil penalty as follows:

27 (i) \$250 for the first violation;

28 (ii) \$500 for the second violation; and

29 (iii) \$1,000 for the third and each subsequent violation.

30 (2) Any money collected under this subsection shall be deposited into the  
31 General Fund of the State.

1 (3) Any person served with a citation under this subsection may appeal the  
2 citation to the Office of Administrative Hearings in accordance with § 10–205 of the State  
3 Government Article.

4 **(C) A PERSON WHO VIOLATES § 9.5–309.1 OF THIS SUBTITLE IS SUBJECT TO**  
5 **A CIVIL PENALTY NOT EXCEEDING \$500.**

6 **[(c)] (D)** Each day a violation occurs is a separate violation under this section.

7 **[(d)] (E)** The total amount of civil penalties imposed in an action under this  
8 section may not exceed \$5,000.

9 9.5–418.

10 (a) Except as provided in [subsection] **SUBSECTIONS (b) AND (C)** of this section  
11 and subject to the provisions of subsection **[(d)] (E)** of this section, a person who violates  
12 any provision of this subtitle or any rule or regulation adopted under this subtitle is subject  
13 to a civil penalty imposed in a civil action not exceeding \$1,000 for each violation.

14 (b) A person who violates § 9.5–405(a) or (e) or § 9.5–416 of this subtitle and is  
15 served a civil citation under that section is subject to a civil penalty as follows:

16 (1) \$250 for the first violation;

17 (2) \$500 for the second violation; and

18 (3) \$1,000 for the third and each subsequent violation.

19 **(C) A PERSON WHO VIOLATES § 9.5–419.1 OF THIS SUBTITLE IS SUBJECT TO**  
20 **A CIVIL PENALTY NOT EXCEEDING \$500.**

21 **[(c)] (D)** Each day a violation occurs is a separate violation under this section.

22 **[(d)] (E)** The total amount of civil penalties imposed in an action under this  
23 section may not exceed \$5,000.

24 9.5–419.

25 (a) On receipt of the notification required under § 5–705.3 of the Family Law  
26 Article, the State Superintendent’s designee shall **[convene,]:**

27 **(1) CONVENE**, either in person or by telephone, a multidisciplinary team  
28 to coordinate procedures in accordance with the agreement developed under § 5–706(f) of  
29 the Family Law Article to be followed in investigating and otherwise responding to the  
30 report; **AND**

1           **(2) ENSURE THE NOTICE REQUIRED UNDER § 9.5-419.1 OF THIS**  
2 **SUBTITLE HAS BEEN PROVIDED BY:**

3                   **(I) THE CHILD CARE CENTER; OR**

4                   **(II) IF MORE APPROPRIATE, ANOTHER PERSON SELECTED BY**  
5 **THE STATE SUPERINTENDENT'S DESIGNEE.**

6 **9.5-419.1.**

7           **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
8 **INDICATED.**

9                   **(2) "CHILD ADVOCACY CENTER" HAS THE MEANING STATED IN §**  
10 **13-2201 OF THE HEALTH - GENERAL ARTICLE.**

11                   **(3) "LAW ENFORCEMENT AGENCY" HAS THE MEANING STATED IN §**  
12 **5-701 OF THE FAMILY LAW ARTICLE.**

13                   **(4) "LOCAL DEPARTMENT" HAS THE MEANING STATED IN § 5-701 OF**  
14 **THE FAMILY LAW ARTICLE.**

15           **(B) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A CHILD**  
16 **CARE CENTER SHALL PROVIDE NOTICE TO THE PARENTS OR GUARDIANS OF ALL**  
17 **CHILDREN WHO ARE UNDER THE CARE OF THE CHILD CARE CENTER WITHIN 24**  
18 **HOURS AFTER FIRST HAVING KNOWLEDGE OF:**

19                   **(1) A REPORT REQUIRED UNDER § 5-704 OR § 5-705 OF THE FAMILY**  
20 **LAW ARTICLE OF SUSPECTED CHILD ABUSE OR NEGLECT THAT IS ALLEGED TO HAVE**  
21 **OCCURRED ON THE PREMISES OF THE CHILD CARE CENTER; OR**

22                   **(2) AN INCIDENT OF SUSPECTED CHILD ABUSE OR NEGLECT THAT IS**  
23 **ALLEGED TO HAVE OCCURRED ON THE PREMISES OF THE CHILD CARE CENTER.**

24           **(C) THE NOTICE REQUIRED UNDER SUBSECTION (B) OF THIS SECTION**  
25 **SHALL BE PROVIDED IN WRITING, IN PERSON, OR ELECTRONICALLY, AND SHALL**  
26 **INCLUDE:**

27                   **(1) A STATEMENT THAT A SUSPECTED INCIDENT OF CHILD ABUSE OR**  
28 **NEGLECT OCCURRED ON THE PREMISES OF THE CHILD CARE CENTER;**

29                   **(2) THE CONTACT INFORMATION FOR THE LOCAL CHILD ADVOCACY**  
30 **CENTER; AND**

1           **(3) ANY OTHER APPROPRIATE INFORMATION RELATING TO LOCAL**  
 2           **RESOURCES FOR CHILD MENTAL HEALTH CARE.**

3           **(D) A PERSON MAY NOT PROVIDE THE NOTICE REQUIRED UNDER THIS**  
 4           **SECTION IF THE LOCAL DEPARTMENT OR LOCAL LAW ENFORCEMENT AGENCY THAT**  
 5           **RECEIVES THE REPORT OF SUSPECTED CHILD ABUSE OR NEGLECT ADVISES THAT**  
 6           **PROVIDING THE NOTICE WOULD INTERFERE WITH AN ONGOING INVESTIGATION.**

7   **Article – Family Law**

8           5–704.

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

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

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

18          5–705.

19           (a) (1) Except as provided in paragraphs (2) and (3) of this subsection,  
 20          notwithstanding any other provision of law, including a law on privileged communications,  
 21          a person in this State other than a health practitioner, police officer, or educator or human  
 22          service worker who has reason to believe that a child has been subjected to abuse or neglect  
 23          shall notify the local department or the appropriate law enforcement agency.

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

26                         (i) in violation of the privilege described under § 9–108 of the Courts  
 27          Article;

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

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

32                 (3) A minister of the gospel, clergyman, or priest of an established church

1 of any denomination is not required to provide notice under paragraph (1) of this subsection  
2 if the notice would disclose matter in relation to any communication described in § 9–111  
3 of the Courts Article and:

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

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

9 5–705.3.

10 In addition to any other provision of law relating to child abuse and neglect, a local  
11 department that receives a report of suspected child abuse under § 5–704 or § 5–705 of this  
12 subtitle shall notify the State Superintendent of Schools' designee within 48 hours if the  
13 report concerns:

14 (1) a family child care home or large family child care home; or

15 (2) a child care center.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
17 1, 2020.