

# YOU ARE REQUIRED TO REPORT ABUSE

## WHAT IS CHILD ABUSE?

According to Maryland Law, child abuse and neglect includes any recent act or failure to act by a perpetrator (a caregiver or family member) which causes physical injury, puts a child's health or welfare at a substantial risk of harm, an act of sexual molestation or exploitation, substantial impairment of a child's psychological ability to function, or failure to give proper care and attention to a child to where the child's welfare is harmed or at substantial risk of harm. Children are under the age of 18.

## WHAT IS SEXUAL ABUSE?

Sexual abuse is any act of sexual molestation or exploitation of a child committed by an adult or an older child that has permanent, temporary, or supervisory responsibilities of that child, or by any household or family member. Sexual abuse includes actual or attempted rape, incest, oral sex, intercourse, sodomy, fondling, and sex trafficking, as well as non-touching behaviors such as sexting, use of sexually explicit language, exposure to pornography, and voyeurism. Children are under the age of 18 and consent is not a defense.

## WHO ARE MANDATED REPORTERS?

**Everyone in Maryland is obligated under the law to report** suspected child abuse and neglect. A category of youth serving professionals has additional requirements. **Reporting does not require proof** that abuse or neglect has occurred. Incidents are to be reported as quickly as possible and waiting for or looking for proof may put a child at risk of great harm and impede an investigation.

Individuals (including health practitioners, police officers, educators, and human service workers) in the practice of their employment, occupation, or profession who have **reason to believe a child has been subjected to abuse or neglect shall make a report as soon as possible** to local departments of social services or law enforcement as set forth in Maryland Family Law 5-704. All other persons in Maryland who have reason to believe a child has been subjected to abuse or neglect shall also notify their local department of social services or law enforcement agency (Maryland Family Law 5-705). Individuals who have reason to believe that a parent or caregiver allows a child to be in the regular presence of a registered sex offender that poses substantial risk of sexual abuse to a child may also report (Maryland Family Law 5-704.1).

Staff members of hospitals, public health agencies, child care institutions, juvenile detention centers, schools and similar institutions shall also immediately notify the head of the institution or their designee. Internal reporting to the head of an institution does NOT replace a person's mandatory duty to report the abuse to local departments and law enforcement. These laws supersede any policy of an agency.

## HOW TO REPORT ABUSE

If you suspect child abuse, contact your county's child protective services or police as soon as possible. These agencies along with BCAC and the State's Attorney will investigate the report to determine if the allegations can be substantiated as child abuse or neglect. Regardless of outcome, together they will also arrange for services to prevent further maltreatment of the child and to preserve the family unit. BCAC works closely with local authorities to provide crisis support, medical exams, mental health referrals and follow up care.

## WHAT YOU NEED WHEN YOU REPORT ABUSE

- Child's name, age, and home address
- Name and home address of child's parent or caregiver
- Current location of child
- Nature of allegations

Any person who makes a report of suspected abuse or neglect or participates in an investigation is immune from civil liability and criminal penalty (Maryland Family Law 5-708). Information contained in reports made and investigations are kept confidential. Names of reporters may only be revealed by court order. Professionals may give permission for identity to be revealed. Information may be shared with multidisciplinary case consultation teams.

Interference with the making of a report of abuse or neglect may result in 5 years of imprisonment and a \$10,000 fine.

## WHAT HAPPENS WHEN A REPORT IS MADE?

Local authorities must begin an investigation within 24 hours. A thorough inquiry is conducted to determine if the child was abused and what services are appropriate for the child and family.

## WHAT WILL BE DONE FOR THE CHILD?

All agencies work to minimize trauma to children and preserve the family whenever possible. Should the child be found to be in danger of continued harm, the child may be removed from the home. Through counseling, training and other support services, families learn to end the cycle of abuse and establish a parent/child relationship that will be free of physical and mental violence.

## RESPONSIBILITIES OF A MANDATED REPORTER AFTER A VERBAL REPORT

- Mandated reporters must submit a written report to the local department of social services within 48 hours. Form DHR/SSA 180 can be found on the Maryland DHR home page or at [www.bcaci.org](http://www.bcaci.org). You should keep a copy of your written report and the date and time you made the verbal report.
- You may be required to provide information and potentially testify in future civil or criminal proceedings. Criminal charges are filed against some perpetrators. While identities of reporters can be confidential and anonymous, supporting judicial systems helps bring justice to victims of abuse.
- Information and investigations are kept confidential pursuant to Maryland law. While it may not appear anything is happening after a report is made, your report of abuse sets an important series of events in motion.

*The information contained herein is a guide to assist the reporting of child abuse and neglect. You should consult your agency and attorney if you have specific questions and to see your agency policy.*