

## Confidentiality and Reporting Requirements

Abuse can affect anyone—from the very young to the very old; from the physically or mentally frail to those in good health. If a person who has been abused is unable to make, or act on, appropriate decisions to ensure his or her health and safety, or the safety of the community, the law may require you to report the abuse.

**This guide is intended to help you determine in which situations you should report abuse and to whom.** There is immunity from legal action for anyone who makes a report in good faith. Know that even when a report is not required, you can refer the person for help in the community.

This document contains information regarding general principles of law. It is not intended as legal advice and cannot be substituted for such. For advice regarding a specific legal situation you must consult an attorney licensed in the applicable jurisdiction and with appropriate training and/or experience in the legal area in question.

To report abuse of children or vulnerable adults, call **1-800-332-6347** to contact Child Protective Services or Adult Protective Services in your area. In an emergency call **911**.

**For referrals, counseling or other services, call a helpline.**

### Child Abuse Prevention

1-800-243-7337

### Department of Aging

1-800-243-3425

### Maryland Coalition Against Sexual Assault

1-800-983-RAPE (7273)

### Maryland Network Against Domestic Violence

1-800-MD-HELPS (634-3577)

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# Confidentiality and Reporting Requirements in Maryland

Responding to Abuse and Neglect of Children, Intimate Partners and Vulnerable Adults



**Maryland Health Care Coalition Against Domestic Violence**

# When to report...

## Child Abuse

By law, reportable child abuse is abuse committed by a parent, guardian, other person with permanent or temporary care or custody, or family or household member. Reports are confidential.

**ANYONE who suspects the physical or sexual abuse of a child (up to age 18) is required to report to Child Protective Services (CPS) within the local Department of Social Services or law enforcement. CPS will also investigate neglect.**

## ...when not to report

### Teen Dating Violence

If someone under the age of 18 is being abused by a dating partner, CPS will not generally become involved unless it involves minors who are family or household members. But, since the abuse may be a crime, the teen should be encouraged to seek assistance.

## Intimate Partner Abuse and Sexual Assault

To protect patient confidentiality, **Maryland does not have mandatory reporting laws for domestic violence or sexual assault.** You may **not** report suspected or confirmed domestic violence or sexual assault **unless** the adult victim consents **or** if disclosure is required or authorized by state law as follows:

- The case involves **abuse of a child or vulnerable adult**, report to CPS, APS or law enforcement.
- A health care provider must report to law enforcement if he or she treats a person for an injury that was caused by:
  - 1) an **auto accident or a lethal weapon** (only in the following counties: Allegany, Anne Arundel, Charles, Kent, Montgomery, Prince George's, Somerset, Talbot and Wicomico) **or**
  - 2) a **gunshot or moving vessel** of any type.

**NOTE:** Some police reports are legally required of individuals who treat a certain injury, which would include the individual in charge of a hospital, or a physician, pharmacist, dentist or nurse. Other health care workers (e.g. social workers) may be required by their institution to report internally according to protocol.

## Abuse of Vulnerable Adults

A 'vulnerable adult' is defined as an adult who lacks the physical or mental capacity to provide for the adult's daily needs.

NOTE: not all elder adults are vulnerable adults; not all vulnerable adults are elderly.

**Health care professionals, police and human service workers who have reason to believe there is abuse, neglect, self-abuse or exploitation of a vulnerable adult in the community must report it to Adult Protective Services.** All persons are permitted to make reports.

## ...when not to report

### Domestic Violence and Older Adults

If an older victim is being abused by a spouse or an intimate partner, do **not** report **unless** the victim gives consent, is a vulnerable adult **or** reporting is required by law (see center panel), even if the victim has a mild disability.