

How Else Can INDIVIDUALS ASSIST VICTIMS of Abuse and Assault?

For many victims, reporting is a step to take only when other elements of a safety plan have been put in place. Whether or not a report is made, there are other ways to support and empower victims of abuse and assault:

- 1 OFFER** supportive messages such as “You did not deserve this,” “You are not alone,” “Help is available.” Provide education on the dynamics of abuse to help the victim understand his or her situation.
- 2 CONNECT** the victim with a hotline or appropriate service providers for advocacy, counseling, shelter and legal assistance. Encourage the development of a safety plan. Provide medical attention.
- 3 SUGGEST** that the victim document the abuse with written records, photographs, screen shots of messages and other evidence. Provide appropriate medical and/or forensic documentation.

All Maryland citizens should take their responsibility to report abuse seriously – and they should also know when a report is not mandated. In the case of children, all Marylanders must report suspected maltreatment and may also report the suspected abuse of vulnerable adults. Health care workers, human service workers and police officers are required to report actual or suspected vulnerable adult abuse. Penalties for a failure to make a mandated report could result in fines or incarceration. Further, there is no mandatory reporting requirement for most cases of domestic violence and sexual assault unless such acts are child abuse or vulnerable adult abuse as defined by Maryland law. There is immunity from legal action for anyone who makes a report in good faith.

This guide is intended to help you determine in which situations you should report abuse and to whom. It is not intended as legal advice. For advice regarding a specific legal situation you must consult an attorney.

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<http://healthymaryland.org/public-health/domestic-violence/>

RESOURCES

IN EMERGENCIES, call 911.

To find your local CPS and APS reporting agency, contact the **Maryland Department of Human Resources**:

1-800-332-6347, or go to www.dhr.maryland.gov

To find your county or local comprehensive domestic violence or sexual assault center:

The Maryland Network Against Domestic Violence (MNADV)

1-800-634-3577, or go to www.mnadv.org

The Maryland Coalition Against Sexual Assault (MCASA)

1-800-983-7273, or go to www.mcasa.org

Comprehensive programs can help you find local shelters, counseling, advocacy and other resources.

Check in your area for additional services.

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CONFIDENTIALITY & MANDATED REPORTING REQUIREMENTS in Maryland

RESPONDING TO:

Child Abuse & Neglect

Sex Trafficking of Minors

Vulnerable Adult Abuse

Intimate Partner Violence

Sexual Assault and Abuse



**Maryland Health
Care Coalition
Against Domestic
Violence**

When to report ...

Child Abuse and Neglect

By law, reportable child abuse is maltreatment (physical, sexual, neglect or mental injury) committed by a parent, family member, other person who has care or custody, someone who has responsibility for supervision, someone who lives in the same household, or a person who exercises authority because of his or her position/occupation. Anyone who has reason to believe that there has been abuse of a child (up to age 18) is required to report to Child Protective Services (CPS) within the Department of Social Services or to local law enforcement.

Sex Trafficking of Minors

Any individual suspected of being engaged in sex trafficking (arranging commercial sex work) of a child under 18 would be considered a "caregiver" and therefore should be reported to CPS or law enforcement, just as with other child abuse.

Vulnerable Adult Abuse

A vulnerable adult is defined as someone 18 years old and over who lacks the physical or mental capacity to provide for his or her own daily needs. Health care professionals must report the

abuse, neglect, self-abuse or exploitation of a vulnerable adult in the community to Adult Protective Services (APS) within the Department of Social Services. Abuse of vulnerable adults within licensed facilities should be reported to the Office of Health Care Quality in the Maryland Department of Health.

Past Abuse

If an adult discloses abuse that happened during childhood, that is still a mandatory report to CPS in the jurisdiction in which the abuse occurred, unless the reporter can independently verify that the abuse has already been reported.

Gunshot

A health care provider must report to law enforcement if he or she treats a person for an injury that was caused by a gunshot of any type and in some counties injury by a lethal weapon.

Additional Reporting

Your county may have additional reporting requirements for other issues, such as auto accidents or lethal weapons. Check with your facility.

investigation. However, all victims have the right to have a SAFE exam without involving law enforcement first. This option (known as Anonymous Reports, Delayed Reports, Jane or John Doe Reports, etc.) allows individuals the opportunity make decisions about reports and other actions at a later time. It also may be important for a victim to be seen medically after an

When not to report ...

Maryland does not have mandated reporting laws for intimate partner violence and sexual assault. Do not report without the victim's consent and knowledge. **Do not report the following**, unless the situation also involves child abuse or another mandatory report.

Domestic Violence/ Intimate Partner Violence

of a competent adolescent (13 and up) or adult individual.

Teen Dating Violence

If the victim is between 13 and 18 years old and in an abusive relationship, it is not "child abuse" by law and is not a mandated report unless the abuser is a family or household member or otherwise a caregiver.

Older Adult Intimate Partner Violence

Not all older adults are vulnerable. Abuse of an older person is only a mandated report by a health care provider if the victim is unable to tend to his/her own needs.

assault. SAFE exams are confidential and will not be billed to the patient or insurance. Call a Sexual Assault Hotline about local options.

Some jurisdictions may offer forensic evaluations for domestic violence victims, especially in cases of strangulation.

Sexual Assault Or Abuse

of a competent adolescent (13 and up) or adult individual.

Teen Sexual Violence

If the victim is between 13 and 18 years old and is sexually assaulted or abused, it is not "child abuse" by law and is not a mandated report unless the abuser is a family or household member or otherwise a caregiver.

**IN MANY SCENARIOS A CRIME
MAY HAVE BEEN COMMITTED,
BUT IT IS NOT PART
OF YOUR MANDATE
TO REPORT.**

Reporting against the
victim's wishes:

- ⦿ Eliminates the competent victim's right to make personal decisions
- ⦿ Violates the victim's privacy
- ⦿ May violate HIPAA
- ⦿ Might lead to a reluctance to confide in health care providers in the future
- ⦿ Could put the victim in more danger since the abuse has been exposed

SPECIAL OPTIONS FOR VICTIMS OF ASSAULT

Sexual Assault Forensic Examinations (SAFE), which collect and document evidence, are generally performed up to 120 hours after a sexual assault, often in conjunction with an

SAFE
exams