

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Civil Law and Procedure to Reengrossed Senate Bill No. 109 by Senator Morrish

1 AMENDMENT NO. 1

2 On page 1, line 2, after "To" and before "enact" insert "amend and reenact Children's Code
3 Article 612(A)(2) and to"

4 AMENDMENT NO. 2

5 On page 1, line 4, after "evaluations;" delete the remainder of the line and delete line 5 in its
6 entirety and insert "to provide for independent review of medical information; to provide for
7 certain evaluation orders; and"

8 AMENDMENT NO. 3

9 On page 1, at the beginning of line 8, after "Section 1." and before "Children's" insert
10 "Children's Code Article 612(A)(2) is hereby amended and reenacted and"

11 AMENDMENT NO. 4

12 On page 1, line 11, change "A.(1)" to "A."

13 AMENDMENT NO. 5

14 On page 1, delete lines 12 through 17 in their entirety and on page 2, delete lines 1 through
15 5 in their entirety and insert the following:

16 "(2) Reports of high and intermediate levels of risk shall be investigated
17 promptly. This investigation shall include a preliminary investigation as to the
18 nature, extent, and cause of the abuse or neglect and the identity of the person
19 actually responsible for the child's condition. This preliminary investigation shall
20 include an interview with the child and his parent or parents or other caretaker **and**
21 **shall include consideration of all available medical information provided to the**
22 **department pertaining to the child's condition.** Such preliminary investigation
23 shall also include an immediate assessment of any existing visitation or custody
24 order or agreement involving the alleged perpetrator and the child. The department
25 shall request a temporary restraining order pursuant to Article 617 or a protective
26 order pursuant to Article 618 if the department determines that any such previously
27 ordered visitation or custody would put the child's health and safety at risk.
28 Admission of the investigator on school premises or access to the child in school
29 shall not be denied by school personnel. However, the request for a temporary
30 restraining order or a protective order in accordance with this Article shall not
31 independently confer exclusive jurisdiction on the juvenile court in accordance with
32 Article 303.

33 * * *

34 **(4) During the investigation of a report from a health care practitioner**
35 **of physical abuse of a child who is not in custody of the state, at the request of**
36 **the child's parent or caregiver the department shall provide copies of all**
37 **medical information pertaining to the child's condition obtained during the**
38 **investigation to a medical expert designated by the parent or caretaker for**
39 **purposes of conducting an independent review of the information. Any**
40 **resulting report shall be provided to the department and to the child's parent**
41 **or caretaker, and shall be considered by the department in assigning a level of**

1 risk and in considering what action may be necessary to protect the child's
2 health and safety."

3 AMENDMENT NO. 6

4 On page 2, delete lines 9 through 14 in their entirety and insert the following:

5 "E. Except in cases of alleged sexual abuse, a parent or caretaker may
6 execute an affidavit requesting further physical examination or evaluation of
7 the child or other children in the household. After a contradictory hearing and
8 upon finding that good cause exists, the court may order a further physical
9 examination or evaluation of the child or other children in the household by a
10 qualified physician in a manner that minimizes the risk of trauma to the child."