

In subsection (b)(1) of this section, the term "states" is substituted for the former clause "in which there is a finding", for brevity.

Defined term: "Local department" § 5-701

5-708. IMMUNITY OF PERSON MAKING REPORT.

ANY PERSON OTHER THAN A PERSON SUSPECTED OF CHILD NEGLECT WHO IN GOOD FAITH MAKES OR PARTICIPATES IN MAKING A REPORT OF NEGLECT UNDER § 5-704 OF THIS SUBTITLE OR PARTICIPATES IN AN INVESTIGATION OR A RESULTING JUDICIAL PROCEEDING IS IMMUNE FROM ANY CIVIL LIABILITY OR CRIMINAL PENALTY THAT WOULD OTHERWISE RESULT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 72A, § 9.

5-709. EXAMINATION AND TREATMENT OF NEGLECTED CHILD BY PHYSICIAN.

(A) EXAMINATION BY PHYSICIAN.

ANY PHYSICIAN WHO IS LICENSED OR AUTHORIZED TO PRACTICE MEDICINE IN THIS STATE SHALL EXAMINE ANY CHILD, WITH OR WITHOUT THE CONSENT OF THE CHILD'S PARENT, GUARDIAN, OR CUSTODIAN, TO DETERMINE THE NATURE AND EXTENT OF ANY NEGLECT TO THE CHILD IF THE CHILD IS BROUGHT TO THE PHYSICIAN:

(1) IN ACCORDANCE WITH A COURT ORDER; OR

(2) BY A REPRESENTATIVE OF A LOCAL DEPARTMENT WHO STATES THAT THE REPRESENTATIVE BELIEVES THE CHILD IS A NEGLECTED CHILD.

(B) TREATMENT BY PHYSICIAN.

IF A PHYSICIAN EXAMINES A CHILD UNDER SUBSECTION (A) OF THIS SECTION AND DETERMINES THAT EMERGENCY MEDICAL TREATMENT IS INDICATED, THE PHYSICIAN MAY TREAT THE CHILD, WITH OR WITHOUT THE CONSENT OF THE CHILD'S PARENT, GUARDIAN, OR CUSTODIAN.

(C) IMMUNITY FROM CIVIL LIABILITY.

(1) A PHYSICIAN WHO EXAMINES A CHILD UNDER SUBSECTION (A) OF THIS SECTION OR WHO TREATS A CHILD UNDER SUBSECTION (B) OF THIS SECTION IS IMMUNE FROM ANY CIVIL LIABILITY THAT MAY RESULT FROM THE FAILURE TO OBTAIN CONSENT FROM THE CHILD'S PARENT, GUARDIAN, OR CUSTODIAN FOR THE EXAMINATION OR TREATMENT OF THE CHILD.

(2) THE IMMUNITY EXTENDS TO: