

PART III. DESERTION OF MINOR CHILD.

10-219. PROHIBITED ACTS; PENALTIES.

(A) DUTY TO CARE FOR AND PROVIDE FOR CHILD.

AN INDIVIDUAL WHO HAS CARE, CUSTODY, OR CONTROL OF A MINOR CHILD MAY NOT DESERT THE CHILD:

(1) WITH THE INTENT THAT THE CHILD BECOME A PUBLIC CHARGE; OR

(2) WITHOUT PROVIDING FOR THE CHILD'S SUPPORT FOR AT LEAST 3 YEARS BY A RESPONSIBLE INDIVIDUAL OR A LICENSED CHILD CARE FACILITY.

(B) PENALTIES.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$100 OR IMPRISONMENT NOT EXCEEDING 1 YEAR.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 27, § 96.

In subsection (a) of this section, the phrase "care, custody, or control" is substituted for the former phrase "care, custody or possession" for consistency with the provisions for child care in Title 5, Subtitle 5 of this article.

In subsection (a)(2) of this section, the phrase "responsible individual or a licensed child care facility" is substituted for the former phrase "responsible person or institution duly authorized to take and care for infants", for clarity.

In subsection (b) of this section, the former phrase "in jail or in the house of correction or in the Maryland Reformatory for Women" is deleted as unnecessary.

The General Assembly may wish to consider whether this section is obsolete in light of CJ § 3-831(a), which makes it unlawful "for an adult wilfully to contribute to, encourage, cause or tend to cause any act, omission, or condition which renders a child ... in need of assistance". A child in need of assistance is defined in CJ § 3-801(e) as "a child who requires the assistance of the court because (1) He ... is not receiving ordinary and proper care and attention, and (2) His parents, guardian, or custodian are unable or unwilling to give proper care and attention to the child and his problems".