

(iii) The natural parent has failed repeatedly to give the child adequate food, clothing, shelter, and education or any other care or control necessary for the child's physical, mental, or emotional health, even though the natural parent is physically and financially able; OR

~~(2) THERE IS A REBUTTABLE PRESUMPTION THAT IT IS IN THE BEST INTEREST OF A CHILD TO TERMINATE THE PARENTAL RIGHTS OF A NATURAL MOTHER IF:~~

~~(I) THE CHILD HAS BEEN ADJUDICATED AS A CHILD IN NEED OF ASSISTANCE AS DEFINED UNDER § 3-801 OF THE COURTS ARTICLE; AND~~

~~(II) THE MOTHER HAS BEEN OFFERED ADMISSION INTO A DRUG TREATMENT PROGRAM UNDER § 5-710 OF THIS TITLE AND THE MOTHER:~~

~~1. DID NOT ACCEPT ADMISSION TO THE PROGRAM OR ITS EQUIVALENT WITHIN 45 DAYS AFTER THE OFFER WAS MADE; OR~~

~~2. FAILED TO FULLY PARTICIPATE IN THE PROGRAM OR ITS EQUIVALENT.~~

(IV) 1. THE CHILD WAS BORN:

A. ADDICTED TO OR DEPENDENT ON COCAINE, THE FORM OF COCAINE KNOWN AS "CRACK", OR HEROIN HEROIN, OR A DERIVATIVE THEREOF, OR

B. WITH A SIGNIFICANT PRESENCE OF COCAINE, THE FORM OF COCAINE KNOWN AS "CRACK", OR HEROIN HEROIN, OR A DERIVATIVE THEREOF IN THE CHILD'S BLOOD AS EVIDENCED BY TOXICOLOGY OR OTHER APPROPRIATE TESTS; AND

2. THE NATURAL PARENT REFUSED REFUSES ADMISSION INTO A DRUG TREATMENT PROGRAM OR FAILED TO FULLY PARTICIPATE IN A DRUG TREATMENT PROGRAM.

~~†(2)†(3)~~ If a natural parent does not provide specified medical treatment for a child because the natural parent is legitimately practicing religious beliefs, that reason alone does not make the natural parent a negligent parent.

~~†(3)†(4)~~ The court shall consider the evidence under paragraph (1) of this subsection regarding continuing or serious conditions or acts and may waive the child placement agency's obligations under subsection (c) of this section if the court, after appropriate evaluation of efforts made and services rendered, finds by clear and convincing evidence that the waiver of those obligations is in the best interest of the child.

5-317.

~~(a) A petition for a decree of adoption may be preceded by a petition for guardianship of the child.~~

~~(b) Only the executive head of a child placement agency or the attorney for the child on behalf of the child may file a petition for the agency to be granted guardianship.~~