

(1) [He] THE CHILD is mentally handicapped or is not receiving ordinary and proper care and attention, and

(2) [His] THE CHILD'S parents, guardian, or custodian are unable or unwilling to give proper care and attention to the child and [his] THE CHILD'S problems provided, however, a child shall not be deemed to be in need of assistance for the sole reason [he] THAT THE CHILD is being furnished nonmedical remedial care and treatment recognized by State law.

3-801.1.

THERE IS A PRESUMPTION THAT A CHILD IS NOT RECEIVING ORDINARY AND PROPER CARE AND ATTENTION UNDER § 3-801(E)(1) OF THIS SUBTITLE IF THE CHILD:

(1) WAS BORN ADDICTED TO OR DEPENDENT ON COCAINE, HEROIN, OR A DERIVATIVE THEREOF; OR

(2) WAS BORN WITH A SIGNIFICANT PRESENCE OF COCAINE, HEROIN, OR A DERIVATIVE THEREOF IN THE CHILD'S BLOOD AS EVIDENCED BY TOXICOLOGY OR OTHER APPROPRIATE TESTS.

Article - Family Law

5-313.

(a) A court may grant a decree of adoption or a decree of guardianship, without the consent of a natural parent otherwise required by §§ 5-311 and 5-317 of this subtitle, if the court finds by clear and convincing evidence that it is in the best interest of the child to terminate the natural parent's rights as to the child and that:

(1) the child is abandoned as provided in subsection (b) of this section;
(2) in a prior juvenile proceeding, the child has been adjudicated to be a child in need of assistance, a neglected child, an abused child, or a dependent child; or

(3) the following set of circumstances exists:

(i) the child has been continuously out of the custody of the natural parent and in the custody of a child placement agency for at least 1 year;

(ii) the conditions that led to the separation from the natural parent still exist or similar conditions of a potentially harmful nature still exist;

(iii) there is little likelihood that those conditions will be remedied at an early date so that the child can be returned to the natural parent in the immediate future; and

(iv) a continuation of the relationship between the natural parent and the child would diminish greatly the child's prospects for early integration into a stable and permanent family.

(c) In determining whether it is in the best interest of the child to terminate a natural parent's rights as to the child in any case, except the case of an abandoned child, the court shall consider: