

- (2) the mother is unable to provide adequate care for the child; and
- (3) the father is unable to provide adequate care for the child.

5-710.

(a) Based on its findings and treatment plan, the local department shall render the appropriate services in the best interests of the child, including, when indicated, petitioning the juvenile court on behalf of the child for appropriate relief, including the added protection to the child that either commitment or custody would provide.

(b) (1) Promptly after receiving a report from a hospital or health practitioner of suspected neglect related to drug abuse and conducting an appropriate investigation, the local department may:

(i) file a petition alleging that the child is in need of assistance under Title 3, Subtitle 8 of the Courts Article; and

(ii) offer the mother admission into a drug treatment program.

(2) The local department may initiate a judicial proceeding to terminate a mother's parental rights, if the local department offers the mother admission into a drug treatment program under this subsection within 90 days after the birth of the child and the mother:

(i) does not accept admission to the program or its equivalent within 45 days after the offer is made; [or]

(ii) DOES NOT ACCEPT THE RECOMMENDED LEVEL OF DRUG TREATMENT WITHIN 45 DAYS AFTER THE OFFER IS MADE; OR

(III) fails to fully participate in the program or its equivalent.

(c) If a report has been made to the State's Attorney's office under § 5-706(i) of this subtitle and the State's Attorney's office is not satisfied with the recommendation of the local department, the State's Attorney's office may petition the court, at the time of the report by the representative, to remove the child, if the State's Attorney concludes that the child is in serious physical danger and that an emergency exists.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2002.

Approved May 6, 2002.