

CINA petition to be filed in certain intervention systems developed in certain counties to include a mother that refuses the recommended level of drug treatment; expanding the circumstances under which a local department of social services is authorized to take certain action to include a mother that refuses the recommended level of drug treatment within a certain time period; and generally relating to children exposed to certain dangerous substances and a certain presumption, the termination of parental rights, and certain intervention systems in certain counties.

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 3-818

Annotated Code of Maryland

(1998 Replacement Volume and 2001 Supplement)

BY repealing and reenacting, with amendments,

Article – Family Law

Section 5-313(d), 5-706.3, and 5-710

Annotated Code of Maryland

(1999 Replacement Volume and 2001 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Courts and Judicial Proceedings

3-818.

Within 1 year after a child's birth, there is a presumption that a child is not receiving proper care and attention from the mother for purposes of § 3-801(f)(2) of this subtitle if:

(1) ~~[(i)]~~ The child was born [addicted to or dependent on] EXPOSED TO cocaine, heroin, or a derivative of cocaine or heroin; or

(ii) The child was born with a significant presence of cocaine, heroin, or a derivative of cocaine or heroin in the child's blood] as evidenced by ~~A toxicology SCREEN OF THE BLOOD OF THE MOTHER OR CHILD or other ANY~~ appropriate tests OF THE MOTHER OR CHILD; OR

(II) UPON ADMISSION TO A HOSPITAL FOR DELIVERY OF THE CHILD, THE MOTHER TESTED POSITIVE FOR COCAINE, HEROIN, OR A DERIVATIVE OF COCAINE OR HEROIN AS EVIDENCED BY ANY APPROPRIATE TOXICOLOGY TEST; and

(2) Drug treatment is made available to the mother and the mother refuses THE RECOMMENDED LEVEL OF DRUG TREATMENT, or does not successfully complete the RECOMMENDED LEVEL OF drug treatment.

Article – Family Law