

5-313.

(d) (1) In determining whether it is in the best interest of the child to terminate a natural parent's rights as to the child in a case involving a child who has been adjudicated to be a child in need of assistance, a neglected child, an abused child, or a dependent child, the court shall consider the factors in subsection (c) of this section and whether any of the following continuing or serious conditions or acts exist:

(i) the natural parent has a disability that renders the natural parent consistently unable to care for the immediate and ongoing physical or psychological needs of the child for long periods of time;

(ii) the natural parent has committed acts of abuse or neglect toward any child in the family;

(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;

(iv) 1. the child was born[:

A. addicted to or dependent on] EXPOSED TO cocaine, heroin, or a derivative thereof [; or

B. with a significant presence of cocaine, heroin, or a derivative thereof 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

B. 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. the natural parent refuses [admission into a drug treatment program,] THE RECOMMENDED LEVEL OF DRUG TREATMENT, or [failed] FAILS to fully participate in [a] THE RECOMMENDED LEVEL OF drug treatment [program]; or

(v) the natural parent has:

1. subjected the child to:

A. torture, chronic abuse, or sexual abuse; or

B. chronic and life-threatening neglect;

2. been convicted:

A. in this State of a crime of violence, as defined in Article 27, § 643B of the Code, against the child, the other natural parent of the child, another child of the natural parent, or any person who resides in the household of the natural parent;