

BY repealing and reenacting, without amendments,
Article - Family Law
Section 5-323(d)(3)(ii)
Annotated Code of Maryland
(2006 Replacement Volume)

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 exposed to cocaine, heroin, METHAMPHETAMINE, or a derivative of cocaine [or], heroin, OR METHAMPHETAMINE as evidenced by 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, METHAMPHETAMINE, or a derivative of cocaine [or], heroin, OR METHAMPHETAMINE 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

5-323.

(a) In this section, "drug" means cocaine, heroin, METHAMPHETAMINE, or a derivative of cocaine [or], heroin, OR METHAMPHETAMINE.

(d) Except as provided in subsection (c) of this section, in ruling on a petition for guardianship of a child, a juvenile court shall give primary consideration to the health and safety of the child and consideration to all other factors needed to determine whether terminating a parent's rights is in the child's best interests, including:

(3) whether: