

HOUSE BILL 171

D3, D4

5lr0309
CF 5lr1670

By: **Delegates Afzali and Valentino-Smith**

Introduced and read first time: January 29, 2015

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Courts – Child Abuse and Neglect – Waiver of Reunification Efforts**

3 FOR the purpose of altering the circumstances under which a local department of social
4 services may ask the court in a child in need of assistance proceeding to find that
5 reasonable reunification efforts are not required; and generally relating to child
6 abuse and neglect.

7 BY repealing and reenacting, without amendments,
8 Article – Courts and Judicial Proceedings
9 Section 3–801(a) and (b)
10 Annotated Code of Maryland
11 (2013 Replacement Volume and 2014 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Courts and Judicial Proceedings
14 Section 3–812
15 Annotated Code of Maryland
16 (2013 Replacement Volume and 2014 Supplement)

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

19 **Article – Courts and Judicial Proceedings**

20 3–801.

21 (a) In this subtitle the following words have the meanings indicated.

22 (b) “Abuse” means:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) Sexual abuse of a child, whether a physical injury is sustained or not;
2 or

3 (2) Physical or mental injury of a child under circumstances that indicate
4 that the child's health or welfare is harmed or is at substantial risk of being harmed by:

5 (i) A parent or other individual who has permanent or temporary
6 care or custody or responsibility for supervision of the child; or

7 (ii) A household or family member.

8 3–812.

9 (a) (1) In this section the following words have the meanings indicated, unless
10 the context of their use indicates otherwise.

11 (2) “Crime of violence”:

12 (i) Has the meaning stated in § 14–101 of the Criminal Law Article;
13 or

14 (ii) As to a crime committed in another state, means a crime that, if
15 committed in this State, would be a crime of violence as defined in § 14–101 of the Criminal
16 Law Article.

17 (3) “Torture” means to cause intense pain to body or mind for purposes of
18 punishment or extraction of information or for sadistic purposes.

19 (b) In a petition under this subtitle, a local department may ask the court to find
20 that reasonable efforts to reunify a child with the child's parent or guardian are not
21 required if the local department concludes that a parent or guardian has:

22 [(1) Subjected the child to:

23 (i) Chronic abuse;

24 (ii) Chronic and life-threatening neglect;

25 (iii) Sexual abuse; or

26 (iv) Torture;]

27 **(1) (I) LEFT THE CHILD WITHOUT ANY PROVISION FOR SUPPORT**
28 **AND WITHOUT ANY PERSON WHO HAS ACCEPTED LEGAL RESPONSIBILITY FOR THE**
29 **CARE, CUSTODY, AND CONTROL OF THE CHILD, WHEN THE WHEREABOUTS OF THE**

1 PARENT OR GUARDIAN ARE UNKNOWN AND REASONABLE EFFORTS TO LOCATE THE
2 PARENT OR GUARDIAN HAVE BEEN UNSUCCESSFUL;

3 (II) INFLICTED OR KNOWINGLY ALLOWED ANOTHER PERSON TO
4 INFLICT SEXUAL ABUSE, SEVERE PHYSICAL ABUSE, LIFE-THREATENING NEGLECT,
5 OR TORTURE ON THE CHILD;

6 (III) ENGAGED IN A PATTERN OF ABUSE OF THE CHILD, A
7 SIBLING OF THE CHILD, OR ANOTHER CHILD RESIDING IN THE HOUSEHOLD;

8 (IV) ALLOWED THE CHILD TO REMAIN IN A SITUATION IN WHICH
9 THE CHILD, A SIBLING OF THE CHILD, OR ANOTHER CHILD IN THE HOUSEHOLD
10 SUFFERED UNEXPLAINED SERIOUS PHYSICAL INJURY, DEATH, OR NEAR DEATH
11 UNDER CIRCUMSTANCES THAT INDICATE THAT THE INJURY, DEATH, OR NEAR
12 DEATH RESULTED FROM THE INTENTIONAL OR RECKLESS CONDUCT OF, OR
13 WILLFUL NEGLECT BY, AN INDIVIDUAL RESIDING IN THE HOUSEHOLD; OR

14 (V) KNOWINGLY FAILED TO TAKE APPROPRIATE STEPS TO
15 PROTECT THE CHILD AFTER AN INDIVIDUAL RESIDING IN THE HOUSEHOLD
16 INFLICTED SEXUAL ABUSE, SEVERE PHYSICAL ABUSE, LIFE-THREATENING
17 NEGLECT, OR TORTURE ON THE CHILD OR ANOTHER CHILD RESIDING IN THE
18 HOUSEHOLD;

19 (2) Been convicted, in any state or any court of the United States, of:

20 (i) A crime of violence against:

21 1. A minor offspring of the parent or guardian;

22 2. The child; or

23 3. Another parent or guardian of the child; or

24 (ii) Aiding or abetting, conspiring, or soliciting to commit a crime
25 described in item (i) of this item; or

26 (3) Involuntarily lost parental rights of a sibling of a child.

27 (c) If the local department determines after the initial petition is filed that any of
28 the circumstances specified in subsection (b) of this section exists, the local department
29 may immediately request the court to find that reasonable efforts to reunify the child with
30 the child's parent or guardian are not required.

31 (d) If the court finds by clear and convincing evidence that any of the
32 circumstances specified in subsection (b) of this section exists, the court shall waive the

1 requirement that reasonable efforts be made to reunify the child with the child's parent or
2 guardian.

3 (e) If the court finds that reasonable efforts are not required, the local department
4 shall:

5 (1) Request that a permanency planning hearing be held in accordance
6 with § 3-823 of this subtitle within 30 days after the court makes the finding; and

7 (2) Make reasonable efforts to place the child in a timely manner in
8 accordance with the permanency plan and complete the steps necessary to finalize the
9 permanent placement of the child.

10 (f) If a parent consents to guardianship or adoption in accordance with § 5-320
11 or § 5-338 of the Family Law Article, loss of parental rights shall be considered voluntary.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2015.