

Chapter 349

(House Bill 508)

AN ACT concerning

Children – Labor Trafficking

FOR the purpose of ~~adding labor trafficking by a child's parent or guardian to the list of conditions under which a local department of social services is authorized to ask the juvenile court in a child in need of assistance proceeding to find that reasonable efforts to reunify a child with the child's parent or guardian are not required~~ altering the definition of "abuse" to include labor trafficking of a child by any individual for purposes of provisions of law governing children in need of assistance cases and child abuse and neglect reporting; expanding provisions of law relating to the Safe Harbor Regional Navigator Grant Program to apply to child victims of labor trafficking; and generally relating to labor trafficking of children.

BY repealing and reenacting, with amendments,
 Article – Courts and Judicial Proceedings
 Section 3–801 ~~and 3–812~~
 Annotated Code of Maryland
 (2020 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, without amendments,
 Article – Family Law
 Section 5–701(a) and 5–704.4(c)
 Annotated Code of Maryland
 (2019 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,
 Article – Family Law
 Section ~~5–701(m)~~ 5–701(b) and (m), 5–704.3, and 5–704.4(b), (d), (e), and (g)
 Annotated Code of Maryland
 (2019 Replacement Volume and 2023 Supplement)

BY adding to
 Article – Family Law
 Section 5–701(m)
 Annotated Code of Maryland
 (2019 Replacement Volume and 2023 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

3-801.

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

(b) “Abuse” means:

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

~~or~~

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

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

(ii) A household or family member; **OR**

(3) LABOR TRAFFICKING OF A CHILD BY ANY INDIVIDUAL.

(c) “Adjudicatory hearing” means a hearing under this subtitle to determine whether the allegations in the petition, other than the allegation that the child requires the court’s intervention, are true.

(d) “Adult” means an individual who is at least 18 years old.

(e) “Child” means an individual under the age of 18 years.

(f) “Child in need of assistance” means a child who requires court intervention because:

(1) The child has been abused, has been neglected, has a developmental disability, or has a mental disorder; and

(2) The child’s parents, guardian, or custodian are unable or unwilling to give proper care and attention to the child and the child’s needs.

(g) “CINA” means a child in need of assistance.

(h) “Commit” means to transfer custody.

(i) “Court” means the circuit court for a county sitting as the juvenile court.

(j) “Custodian” means a person or governmental agency to whom custody of a child has been given by order of court, including a court other than the juvenile court.

(k) “Custody” means the right and obligation, unless otherwise determined by the court, to provide ordinary care for a child and determine placement.

(l) “Developmental disability” means a severe chronic disability of an individual that:

(1) Is attributable to a physical or mental impairment, other than the sole diagnosis of mental illness, or to a combination of mental and physical impairments;

(2) Is likely to continue indefinitely;

(3) Results in an inability to live independently without external support or continuing and regular assistance; and

(4) Reflects the need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are individually planned and coordinated for the individual.

(m) “Disposition hearing” means a hearing under this subtitle to determine:

(1) Whether a child is in need of assistance; and

(2) If so, the nature of the court’s intervention to protect the child’s health, safety, and well-being.

(n) “Guardian” means a person to whom guardianship of a child has been given by order of court, including a court other than the juvenile court.

(o) “Guardianship” means an award by a court, including a court other than the juvenile court, of the authority to make ordinary and emergency decisions as to the child’s care, welfare, education, physical and mental health, and the right to pursue support.

(p) **“LABOR TRAFFICKING” MEANS KNOWINGLY:**

(1) TAKING, PLACING, HARBORING, PERSUADING, INDUCING, OR ENTICING A CHILD BY FORCE, FRAUD, OR COERCION TO PROVIDE SERVICES OR LABOR; OR

(2) RECEIVING A BENEFIT OR THING OF VALUE FROM THE PROVISION OF SERVICES OR LABOR BY A CHILD THAT WAS INDUCED BY FORCE, FRAUD, OR COERCION.

(q) “Local department” means:

(1) The local department of social services for the county in which the court is located; or

(2) In Montgomery County, the county department of health and human services.

[(q)] (R) (1) “Mental disorder” means a behavioral or emotional illness that results from a psychiatric or neurological disorder.

(2) “Mental disorder” includes a mental illness that so substantially impairs the mental or emotional functioning of an individual as to make care or treatment necessary or advisable for the welfare of the individual or for the safety of the person or property of another.

(3) “Mental disorder” does not include mental retardation.

[(r)] (S) “Mental injury” means the observable, identifiable, and substantial impairment of a child’s mental or psychological ability to function.

[(s)] (T) (1) “Neglect” means the leaving of a child unattended or other failure to give proper care and attention to a child by any parent or individual who has permanent or temporary care or custody or responsibility for supervision of the child under circumstances that indicate:

(i) That the child’s health or welfare is harmed or placed at substantial risk of harm; or

(ii) That the child has suffered mental injury or been placed at substantial risk of mental injury.

(2) “Neglect” does not include the use of cannabis by any parent or individual who has permanent or temporary care or custody or responsibility for supervision of the child unless, as a result of the use of cannabis:

(i) The child’s health or welfare is harmed or placed at substantial risk of harm; or

(ii) The child has suffered mental injury or been placed at substantial risk of mental injury.

[(t)] (U) “Parent” means a natural or adoptive parent whose parental rights have not been terminated.

[(u)] (V) (1) “Party” means:

(i) A child who is the subject of a petition;

(ii) The child’s parent, guardian, or custodian;

- (iii) The petitioner; or
 - (iv) An adult who is charged under § 3–828 of this subtitle.
- (2) “Party” does not include a foster parent.

[(v)] (W) “Qualified residential treatment program” means a program within a licensed child care institution that provides continuous, 24–hour care and supportive services to children in a residential, nonfamily home setting that:

(1) Has a trauma–informed treatment model that is designed to address the clinical and other needs of children with serious emotional or behavioral disorders or disturbances;

(2) Is able to implement the specific treatment recommended in an assessment completed by a qualified individual;

(3) Has registered or licensed nursing staff and other licensed clinical staff who are:

(i) On site according to the treatment model and during business hours; and

(ii) Available 24 hours a day, 7 days a week;

(4) Appropriately facilitates outreach to family members and integrates the family members into the treatment of the children;

(5) Is able to provide discharge planning that provides family–based aftercare support for at least 6 months following discharge;

(6) Is licensed in accordance with § 471(a)(10) of the Social Security Act; and

(7) Is accredited by an approved independent nonprofit organization.

[(w)] (X) “Reasonable efforts” means efforts that are reasonably likely to achieve the objectives set forth in § 3–816.1(b)(1) and (2) of this subtitle.

[(x)] (Y) “Relative” means an individual who is:

(1) Related to the child by blood or marriage within five degrees of consanguinity or affinity under the civil law; and

(2) (i) At least 21 years old; or

- (ii) 1. At least 18 years old; and
- 2. Lives with a spouse who is at least 21 years old.

[(y)] (Z) “Sex trafficking” means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a child for the purpose of a commercial sex act.

[(z)] (AA) “Sexual abuse” means an act that involves:

- (1) Sexual molestation or exploitation of a child by:
 - (i) A parent or other individual who has permanent or temporary care or custody or responsibility for supervision of the child; or
 - (ii) A household or family member; or
- (2) Sex trafficking of a child by any individual.

[(aa)] (BB) “Sexual molestation or exploitation” includes:

- (1) Allowing or encouraging a child to engage in:
 - (i) Obscene photography, films, poses, or similar activity;
 - (ii) Pornographic photography, films, poses, or similar activity; or
 - (iii) Prostitution;
- (2) Incest;
- (3) Rape;
- (4) Sexual offense in any degree; and
- (5) Any other sexual conduct that is a crime.

[(bb)] (CC) “Shelter care” means a temporary placement of a child outside of the home at any time before disposition.

[(cc)] (DD) “Shelter care hearing” means a hearing held before disposition to determine whether the temporary placement of the child outside of the home is warranted.

[(dd)] (EE) “TPR proceeding” means a proceeding to terminate parental rights.

~~[(ee)] (FF)~~ “Voluntary placement” means a placement in accordance with § 5-525(b)(1)(i) or (iii) or (3) of the Family Law Article.

~~[(ff)] (GG)~~ “Voluntary placement hearing” means a hearing to obtain a judicial determination as to whether continuing a voluntary placement is in the best interests of the child.

~~§ 812.~~

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

~~(2) “Abandon” means to leave a child without any provision for support and without any person who has accepted long term responsibility to maintain care and have custody and control of the child when:~~

~~(i) The whereabouts of the parent or guardian are unknown; and~~

~~(ii) The local department has made reasonable efforts to locate the parent or guardian over a period of at least 6 months and has been unsuccessful.~~

~~(3) “Crime of violence”:~~

~~(i) Has the meaning stated in § 14-101 of the Criminal Law Article;~~

~~or~~

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

~~(4) “Torture” means to cause intense pain to body or mind for purposes of punishment or extraction of information or for sadistic purposes.~~

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

~~(1) Has subjected the child to any of the following aggravated circumstances:~~

~~(i) The parent or guardian has engaged in or facilitated:~~

~~1. Chronic or severe physical abuse of the child, a sibling of the child, or another child in the household;~~

~~2. Chronic and life-threatening neglect of the child, a sibling of the child, or another child in the household;~~

~~3. Sexual abuse OR LABOR TRAFFICKING of the child, a sibling of the child, or another child in the household; or~~

~~4. Torture of the child, a sibling of the child, or another child in the household;~~

~~(ii) The parent or guardian knowingly failed to take appropriate steps to protect the child after a person in the household [inflicted];~~

~~1. INFLICTED sexual abuse, severe physical abuse, life-threatening neglect, or torture on the child or another child in the household; OR~~

~~2. ENGAGED IN OR FACILITATED LABOR TRAFFICKING OF THE CHILD;~~

~~(iii) The child, a sibling of the child, or another child in the household has suffered severe physical abuse or death resulting from abuse by the parent or guardian or another adult in the household and all persons who could have inflicted the abuse or caused the death remain in the household; or~~

~~(iv) The parent or guardian has abandoned the child;~~

~~(2) Has been convicted, in any state or any court of the United States, of:~~

~~(i) A crime of violence against:~~

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

~~2. The child; or~~

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

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

~~(3) Has involuntarily lost parental rights of a sibling of the child.~~

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

~~(d) If the court finds by clear and convincing evidence that any of the circumstances specified in subsection (b) of this section exists, the court shall waive the requirement that reasonable efforts be made to reunify the child with the child's parent or guardian.~~

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

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

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

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

Article – Family Law

5-701.

(a) Except as otherwise provided in § 5-705.1 of this subtitle, in this subtitle the following words have the meanings indicated.

(b) (1) “Abuse” means:

(i) the physical or mental injury of a child under circumstances that indicate that the child’s health or welfare is harmed or at substantial risk of being harmed by:

1. a parent;

2. a household member or family member;

3. a person who has permanent or temporary care or custody of the child;

4. a person who has responsibility for supervision of the child; or

5. a person who, because of the person’s position or occupation, exercises authority over the child; [or]

(ii) sexual abuse of a child, whether physical injuries are sustained or not; OR

(III) LABOR TRAFFICKING OF A CHILD BY ANY INDIVIDUAL.

(2) “Abuse” does not include the physical injury of a child by accidental means.

[(m)] (L) “Indicated” means a finding that there is credible evidence, which has not been satisfactorily refuted, that abuse, neglect, or sexual abuse did occur.

(M) “LABOR TRAFFICKING” MEANS KNOWINGLY:

(1) TAKING, PLACING, HARBORING, PERSUADING, INDUCING, OR ENTICING A CHILD BY FORCE, FRAUD, OR COERCION TO PROVIDE SERVICES OR LABOR; OR

(2) RECEIVING A BENEFIT OR THING OF VALUE FROM THE PROVISION OF SERVICES OR LABOR BY A CHILD THAT WAS INDUCED BY FORCE, FRAUD, OR COERCION.

5–704.3.

A local department that receives a report of suspected abuse or neglect under this subtitle involving a child who is a suspected victim of sex trafficking **OR LABOR TRAFFICKING** shall refer the child to any appropriate regional navigator, as defined in § 5–704.4 of this subtitle, for the jurisdiction where the trafficking occurred or where the child is a resident for services.

5–704.4.

(b) (1) There is a Safe Harbor Regional Navigator Grant Program.

(2) The purpose of the program is to support services for youth victims of sex trafficking **AND LABOR TRAFFICKING** by:

(i) creating and sustaining projects to provide services for youth victims of sex trafficking that are victim–centered and trauma–informed;

(ii) facilitating and coordinating among local departments, the Department of Juvenile Services, sexual assault crisis programs, child advocacy programs, local offices of the Office of the Public Defender, and other state and local agencies responding to youth victims of sex trafficking **AND LABOR TRAFFICKING**;

(iii) ensuring that youth victims of sex trafficking **AND LABOR TRAFFICKING** have access to services described under subsection (e) of this section;

(iv) increasing the State's capacity to respond to youth sex trafficking **AND LABOR TRAFFICKING**; and

(v) training providers to appropriately identify and serve youth victims of sex trafficking **AND LABOR TRAFFICKING**.

(c) A grantee under the program may include:

- (1) a child advocacy center;
- (2) a sexual assault crisis program; or
- (3) a qualified community-based victim services provider.

(d) Grants under this section shall be awarded:

(1) to ensure that emergency and long-term services are available for youth victims of sex trafficking **AND LABOR TRAFFICKING** in every jurisdiction in the State by January 1, 2022; and

(2) to provide services in one jurisdiction or in more than one similar jurisdiction in the same region.

(e) Services coordinated and provided by a grantee under this section shall include:

- (1) safety planning;
- (2) emergency response;
- (3) basic living needs, [not] including housing;
- (4) trauma counseling and mental health services;
- (5) drug and alcohol abuse treatment;
- (6) legal services;
- (7) victim advocacy;
- (8) case management; and
- (9) designation of regional navigators.

(g) (1) Every 2 years, beginning December 1, 2019, the Executive Director shall submit an independent evaluation report with qualitative and quantitative data to

the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly regarding whether services coordinated and provided by grantees under this section are available, adequate, and successfully serving children and youth who are victims of sex trafficking **AND LABOR TRAFFICKING**.

(2) Beginning December 1, 2019, the Department of Human Services shall annually report to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly on:

(i) the number of reports of child sex trafficking **AND LABOR TRAFFICKING** made in the State in the preceding year;

(ii) the outcome or disposition of reports of child sex trafficking **AND LABOR TRAFFICKING** made in the State in the preceding year; and

(iii) the number of referrals made to regional navigators under this section in the preceding year.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2024.

Approved by the Governor, April 25, 2024.