

Article - Courts and Judicial Proceedings

[Previous][Next]

§3–812.

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

(2) “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.

(3) “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 has:

(1) Subjected the child to:

(i) Chronic abuse;

(ii) Chronic and life–threatening neglect;

(iii) Sexual abuse; or

(iv) Torture;

(2) 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) Involuntarily lost parental rights of a sibling of a child.

(c) 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.

[Previous][Next]