
By: Delegate Montague

Introduced and read first time: February 6, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Child Abuse Prevention and Treatment - Spiritual Healing**

3 FOR the purpose of providing that a certain law concerning child abuse and neglect or
4 any other law of the State may not be construed to require that a parent or legal
5 guardian provide a child any medical service or treatment against the religious
6 belief of the parent or guardian or to require or authorize a certain finding of abuse,
7 neglect, or violation of a criminal law by certain persons; specifying that a certain
8 rule of construction does not prohibit Child Protective Services or another person
9 authorized by the State from pursuing a certain legal remedy to provide medical care
10 or treatment for a child if necessary for certain purposes or from complying with a
11 certain federal requirement; requiring a certain investigation to be conducted in a
12 certain manner; and generally relating to the treatment of children.

13 BY adding to

14 Article - Family Law
15 Section 5-703.1
16 Annotated Code of Maryland
17 (1991 Replacement Volume and 1996 Supplement)

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

20 **Article - Family Law**

21 5-703.1.

22 (A) THIS SUBTITLE OR ANY OTHER LAW MAY NOT BE CONSTRUED:

23 (1) TO ESTABLISH A REQUIREMENT THAT A PARENT OR LEGAL
24 GUARDIAN PROVIDE A CHILD WITH ANY MEDICAL SERVICE OR TREATMENT
25 AGAINST THE RELIGIOUS BELIEF OF THE PARENT OR LEGAL GUARDIAN;

26 (2) TO REQUIRE OR AUTHORIZE A FINDING OF ABUSE, NEGLECT, OR
27 VIOLATION OF A CRIMINAL LAW BY A PARENT, GUARDIAN, OR OTHER PERSON WHO
28 HAS CARE, CUSTODY, OR RESPONSIBILITY FOR SUPERVISION OF A CHILD FOR
29 RELYING, IN ACCORDANCE WITH THE RELIGIOUS BELIEF OF THE PARENT OR
30 GUARDIAN, SOLELY ON SPIRITUAL MEANS RATHER THAN MEDICAL TREATMENT
31 FOR THE HEALTH CARE TREATMENT OF THE CHILD.

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1 (B) SUBSECTION (A) OF THIS SECTION DOES NOT PROHIBIT CHILD
2 PROTECTIVE SERVICES OR ANY OTHER PERSON AUTHORIZED BY THE STATE FROM:

3 (1) PURSUING ANY LEGAL REMEDY, INCLUDING INITIATION OF LEGAL
4 PROCEEDINGS IN A COURT OF COMPETENT JURISDICTION, TO PROVIDE MEDICAL
5 CARE OR TREATMENT FOR A CHILD IF CARE OR TREATMENT IS NECESSARY:

6 (I) TO PREVENT OR REMEDY SERIOUS HARM TO THE CHILD; OR

7 (II) TO PREVENT THE WITHHOLDING OF MEDICALLY INDICATED
8 TREATMENT FROM A CHILD WITH A LIFE-THREATENING CONDITION; OR

9 (2) COMPLYING WITH A LAWFUL REQUIREMENT OF A FEDERAL
10 AGENCY CONCERNING THE PROVISION OF MEDICALLY INDICATED TREATMENT
11 FOR A DISABLED INFANT WITH A LIFE-THREATENING CONDITION.

12 (C) CONSISTENT WITH THE NECESSITY TO PREVENT OR REMEDY SERIOUS
13 HARM TO A CHILD, AN INVESTIGATION OF THE NEED FOR AND PROVISION OF
14 MEDICAL CARE OR TREATMENT BY CHILD PROTECTIVE SERVICES OR BY ANY
15 OTHER PERSON AUTHORIZED BY THE STATE SHALL BE CONDUCTED:

16 (1) IN A MANNER THAT IS THE LEAST RESTRICTIVE ON THE RELIGIOUS
17 PRACTICE OF THE PARENT OR GUARDIAN OF THE CHILD; AND

18 (2) WITH DEFERENCE TO THE CHOICE OF THE PARENT OR GUARDIAN
19 IN SELECTING MEDICAL PERSONNEL, FACILITIES, AND METHODS FOR
20 ADMINISTERING CARE OR TREATMENT TO THE CHILD.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 1997.