
By: Delegates O'Donnell, Rosenberg, Flanagan, and Genn

Introduced and read first time: February 12, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Child Neglect - Definition and Investigation**

3 FOR the purpose of including within the definition of "neglect" the use of a controlled
4 dangerous substance by a woman resulting in an infant's addiction to or dependence
5 on a controlled dangerous substance or the presence of a controlled dangerous
6 substance in the infant's blood as evidenced by certain tests; establishing a certain
7 exception; including within part of the investigation of a suspected case of neglect
8 by the use of a controlled dangerous substance by the mother of an infant certain
9 tests and a certain report to the local division of social services; and generally
10 relating to the neglect of a child by the use of a controlled dangerous substance.

11 BY repealing and reenacting, with amendments,
12 Article - Family Law
13 Section 5-701(p) and 5-706(c)
14 Annotated Code of Maryland
15 (1991 Replacement Volume and 1996 Supplement)

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

18 **Article - Family Law**

19 5-701.

20 (p) (1) "Neglect" means the leaving of a child unattended or other failure to
21 give proper care and attention to a child by any parent or other person who has
22 permanent or temporary care or custody or responsibility for supervision of the child
23 under circumstances that indicate:

24 [(1)] (I) that the child's health or welfare is harmed or placed at substantial
25 risk of harm; or

26 [(2)] (II) mental injury to the child or a substantial risk of mental injury.

27 (2) (I) EXCEPT AS PROVIDED UNDER SUBPARAGRAPH (II) OF THIS
28 PARAGRAPH, "NEGLECT" INCLUDES THE USE OF A CONTROLLED DANGEROUS
29 SUBSTANCE, AS DEFINED IN ARTICLE 27, § 277 OF THE CODE, BY A WOMAN
30 RESULTING IN:

2

1 1. AN INFANT'S ADDICTION TO OR DEPENDENCE ON A
2 CONTROLLED DANGEROUS SUBSTANCE; OR

3 2. THE PRESENCE OF A CONTROLLED DANGEROUS
4 SUBSTANCE IN THE INFANT'S BLOOD AS EVIDENCED BY A TOXICOLOGY OR OTHER
5 APPROPRIATE CHEMICAL TEST OF THE INFANT.

6 (II) THE USE OF A CONTROLLED DANGEROUS SUBSTANCE DOES
7 NOT CONSTITUTE NEGLIGENCE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IF THE
8 MOTHER IS ABLE AND WILLING TO ACCEPT AND PARTICIPATE IN A PLAN OF
9 SUPPORT SERVICES FOR THE INFANT.

10 5-706.

11 (c) The investigation shall include:

12 (1) a determination of the nature, extent, and cause of the abuse or neglect,
13 if any;

14 (2) if mental injury is suspected, an assessment by two of the following:

15 (i) a licensed physician, as defined in § 14-101 of the Health
16 Occupations Article;

17 (ii) a licensed psychologist, as defined in § 18-101 of the Health
18 Occupations Article; or

19 (iii) a licensed social worker, as defined in § 19-101 of the Health
20 Occupations Article; [and]

21 (3) IF THE SUSPECTED NEGLIGENCE INVOLVES THE POSSIBLE USE OF A
22 CONTROLLED DANGEROUS SUBSTANCE BY THE MOTHER OF AN INFANT AS
23 PROVIDED UNDER § 5-701(P)(2) OF THIS SUBTITLE, A TOXICOLOGY OR OTHER
24 APPROPRIATE CHEMICAL TEST OF THE INFANT AND A REPORT TO THE
25 APPROPRIATE DIVISION OF SOCIAL SERVICES ON THE MOTHER'S USE OF A
26 CONTROLLED DANGEROUS SUBSTANCE; AND

27 [[3]] (4) if the suspected abuse or neglect is verified:

28 (i) a determination of the identity of the person or persons
29 responsible for the abuse or neglect;

30 (ii) a determination of the name, age, and condition of any other child
31 in the household;

32 (iii) an evaluation of the parents and the home environment;

33 (iv) a determination of any other pertinent facts or matters; and

34 (v) a determination of any needed services.

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