
**By: Senators Kelley, Lawlah, Hoffman, Colburn, Jimeno, McCabe, Forehand, Young,
Pinsky, Hughes, and Middlebrooks**

Introduced and read first time: January 21, 1997

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Grounds for Terminating Parental Rights**

3 FOR the purpose of providing that, if a parent has not contacted a child during a certain
4 period under certain circumstances, a court may find that the child is abandoned;
5 requiring that a court consider whether the natural parent has been convicted of a
6 certain crime of violence against certain persons in determining whether to
7 terminate parental rights; and generally relating to certain determinations regarding
8 parental rights.

9 BY repealing and reenacting, without amendments,
10 Article 27 - Crimes and Punishments
11 Section 643B(a)
12 Annotated Code of Maryland
13 (1996 Replacement Volume)

14 BY repealing and reenacting, with amendments,
15 Article - Family Law
16 Section 5-313(b) and (d)
17 Annotated Code of Maryland
18 (1991 Replacement Volume and 1996 Supplement)

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

21 **Article 27 - Crimes and Punishments**

22 643B.

23 (a) As used in this section, the term "crime of violence" means abduction; arson
24 in the first degree; kidnapping; manslaughter, except involuntary manslaughter; mayhem
25 and maiming, as previously proscribed under §§ 384, 385, and 386 of this article; murder;
26 rape; robbery; robbery with a deadly weapon; carjacking or armed carjacking; sexual
27 offense in the first degree; sexual offense in the second degree; use of a handgun in the
28 commission of a felony or other crime of violence; an attempt to commit any of the
29 aforesaid offenses; assault in the first degree; and assault with intent to murder, assault
30 with intent to rape, assault with intent to rob, assault with intent to commit a sexual

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1 offense in the first degree, and assault with intent to commit a sexual offense in the
2 second degree, as these crimes were previously proscribed under former § 12 of this
3 article.

4 The term "correctional institution" includes Patuxent Institution and a local or
5 regional jail or detention center.

6 **Article - Family Law**

7 5-313.

8 (b) The court may find that a child is abandoned for purposes of this section if[,]:

9 (1) after a thorough investigation by the child placement agency, the court
10 finds that:

11 [(1)] (I) the identity of the child's natural parents is unknown; and

12 [(2)] (II) no one has claimed to be the child's natural parent within 2 months
13 of the alleged abandonment of the child[.]; OR

14 (2) THE PARENT HAS NOT CONTACTED THE CHILD WITHIN 1 YEAR
15 PRIOR TO THE FILING OF THE TERMINATION OF PARENTAL RIGHTS PETITION
16 DESPITE THE OPPORTUNITY FOR THAT PARENT TO CONTACT THE CHILD.

17 (d) (1) In determining whether it is in the best interest of the child to terminate
18 a natural parent's rights as to the child in a case involving a child who has been
19 adjudicated to be a child in need of assistance, a neglected child, an abused child, or a
20 dependent child, the court shall consider the factors in subsection (c) of this section and
21 whether any of the following continuing or serious conditions or acts exist:

22 (i) the natural parent has a disability that renders the natural parent
23 consistently unable to care for the immediate and ongoing physical or psychological needs
24 of the child for long periods of time;

25 (ii) the natural parent has committed acts of abuse or neglect toward
26 any child in the family; [or]

27 (III) THE NATURAL PARENT HAS BEEN CONVICTED OF A CRIME OF
28 VIOLENCE, AS DEFINED IN ARTICLE 27, § 643B(A) OF THE CODE, AGAINST:

29 1. THE CHILD;

30 2. THE OTHER NATURAL PARENT OF THE CHILD;

31 3. THE CHILD'S SIBLING; OR

32 4. ANY OTHER MEMBER OF THE HOUSEHOLD IN WHICH THE
33 CHILD RESIDED AT THE TIME OF THE OFFENSE; OR

34 [(iii)] (IV) the natural parent has failed repeatedly to give the child
35 adequate food, clothing, shelter, and education or any other care or control necessary for
36 the child's physical, mental, or emotional health, even though the natural parent is
37 physically and financially able.

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1 (2) If a natural parent does not provide specified medical treatment for a
2 child because the natural parent is legitimately practicing religious beliefs, that reason
3 alone does not make the natural parent a negligent parent.

4 (3) The court shall consider the evidence under paragraph (1) of this
5 subsection regarding continuing or serious conditions or acts and may waive the child
6 placement agency's obligations under subsection (c) of this section if the court, after
7 appropriate evaluation of efforts made and services rendered, finds by clear and
8 convincing evidence that the waiver of those obligations is in the best interest of the child.

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