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1997 Regular Session
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**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

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 11, 1997

CHAPTER ____

1 AN ACT concerning

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

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

2

1 **Article 27 - Crimes and Punishments**

2 643B.

3 (a) As used in this section, the term "crime of violence" means abduction; arson
4 in the first degree; kidnapping; manslaughter, except involuntary manslaughter; mayhem
5 and maiming, as previously proscribed under §§ 384, 385, and 386 of this article; murder;
6 rape; robbery; robbery with a deadly weapon; carjacking or armed carjacking; sexual
7 offense in the first degree; sexual offense in the second degree; use of a handgun in the
8 commission of a felony or other crime of violence; an attempt to commit any of the
9 aforesaid offenses; assault in the first degree; and assault with intent to murder, assault
10 with intent to rape, assault with intent to rob, assault with intent to commit a sexual
11 offense in the first degree, and assault with intent to commit a sexual offense in the
12 second degree, as these crimes were previously proscribed under former § 12 of this
13 article.

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

16 **Article - Family Law**

17 5-313.

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

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

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

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

24 (2) THE NATURAL PARENT HAS NOT CONTACTED THE CHILD WITHIN 1
25 YEAR PRIOR TO THE FILING OF THE TERMINATION OF PARENTAL RIGHTS PETITION
26 DESPITE THE OPPORTUNITY FOR THAT PARENT TO CONTACT THE CHILD.

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

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

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

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

39 1. THE CHILD;

3

1 2. THE OTHER NATURAL PARENT OF THE CHILD;

2 3. THE CHILD'S SIBLING; OR

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

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

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

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

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