
By: **Delegate Montague**
Introduced and read first time: February 2, 2001
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Children in Need of Assistance - Repeal of Exemption for Nonmedical**
3 **Remedial Care**

4 FOR the purpose of repealing a certain exemption for nonmedical remedial care from
5 provisions of law relating to children in need of assistance; providing for the
6 application of this Act; declaring the intent of the General Assembly; and
7 generally relating to children in need of assistance.

8 BY repealing and reenacting, without amendments,
9 Article - Courts and Judicial Proceedings
10 Section 3-801(a)
11 Annotated Code of Maryland
12 (1998 Replacement Volume and 2000 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article - Courts and Judicial Proceedings
15 Section 3-801(e)
16 Annotated Code of Maryland
17 (1998 Replacement Volume and 2000 Supplement)

18 BY repealing
19 Article - Courts and Judicial Proceedings
20 Section 3-801.2
21 Annotated Code of Maryland
22 (1998 Replacement Volume and 2000 Supplement)
23 (As enacted by Chapter _____ (S.B._____/H.B._____) (1r0292) of the Acts of the
24 General Assembly of 2001)

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

1 **Article - Courts and Judicial Proceedings**

2 3-801.

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

5 (e) "Child in need of assistance" is a child who requires the assistance of the
6 court because:

7 (1) The child is mentally handicapped or is not receiving ordinary and
8 proper care and attention; and

9 (2) The child's parents, guardian, or custodian are unable or unwilling to
10 give proper care and attention to the child and the child's problems [provided,
11 however, a child shall not be deemed to be in need of assistance for the sole reason
12 that the child is being furnished nonmedical remedial care and treatment recognized
13 by State law].

14 [3-801.2.

15 A child may not be deemed to be a child in need of assistance for the sole reason
16 that the child is being furnished nonmedical remedial care and treatment recognized
17 by State law.]

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply only
19 to petitions filed on or after the effective date of this Act.

20 SECTION 3. AND BE IT FURTHER ENACTED, That if Chapter
21 _____ (S.B._____/H.B._____) (11r0292) of the Acts of the General Assembly of 2001 is
22 enacted and § 3-801.2 of the Courts and Judicial Proceedings Article, as contained in
23 that Act, is not amended to delete the exemption for nonmedical remedial care and
24 treatment, it is the intent of the General Assembly that the repeal of the exemption
25 for nonmedical remedial care and treatment as effected by this Act shall be given
26 effect regardless of the respective dates of enactment of this Act and Chapter
27 _____ (S.B._____/H.B._____) (11r0292) of the Acts of the General Assembly of 2001.

28 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2001.