

CHAPTER 48

(House Bill 340)

AN ACT concerning

Drug-Exposed Infants - Methamphetamine

FOR the purpose of ~~expanding the definition of a drug-exposed infant to include exposure to methamphetamine; and generally relating to drug-exposed infants~~ altering the conditions that establish a certain presumption that a child is in need of assistance by adding methamphetamine to certain provisions relating to drugs to which a child was born exposed or for which a mother tested positive upon admission to a hospital for delivery of a child; including methamphetamine within the definition of the term "drug" for purposes of certain factors a juvenile court is required to consider in determining whether termination of a parent's rights is in a child's best interests; and generally relating to children in need of assistance and termination of parental rights.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–818
Annotated Code of Maryland
(2006 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 5–323(a)
Annotated Code of Maryland
(2006 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Family Law
Section 5–323(d)(3)(ii)
Annotated Code of Maryland
(2006 Replacement Volume)

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

Article – Courts and Judicial Proceedings

3-818.

Within 1 year after a child's birth, there is a presumption that a child is not receiving proper care and attention from the mother for purposes of § 3-801(f)(2) of this subtitle if:

(1) (i) The child was born exposed to cocaine, heroin, **METHAMPHETAMINE**, or a derivative of cocaine [or], heroin, **OR METHAMPHETAMINE** as evidenced by any appropriate tests of the mother or child; or

(ii) Upon admission to a hospital for delivery of the child, the mother tested positive for cocaine, heroin, **METHAMPHETAMINE**, or a derivative of cocaine [or], heroin, **OR METHAMPHETAMINE** as evidenced by any appropriate toxicology test; and

(2) Drug treatment is made available to the mother and the mother refuses the recommended level of drug treatment, or does not successfully complete the recommended level of drug treatment.

Article - Family Law

5-323.

(a) In this section, "drug" means cocaine, heroin, **METHAMPHETAMINE**, or a derivative of cocaine [or], heroin, **OR METHAMPHETAMINE**.

(d) Except as provided in subsection (c) of this section, in ruling on a petition for guardianship of a child, a juvenile court shall give primary consideration to the health and safety of the child and consideration to all other factors needed to determine whether terminating a parent's rights is in the child's best interests, including:

(3) whether:

(ii) 1. A. on admission to a hospital for the child's delivery, the mother tested positive for a drug as evidenced by a positive toxicology test; or

B. upon the birth of the child, the child tested positive for a drug as evidenced by a positive toxicology test; and

2. the mother refused the level of drug treatment recommended by a qualified addictions specialist, as defined in § 5-1201 of this title, or by a physician or psychologist, as defined in the Health Occupations Article;

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2007.

Approved by the Governor, April 10, 2007.