

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

House Bill 340

(Delegate Nathan-Pulliam, *et al.*)

Judiciary

Judicial Proceedings

Drug-Exposed Infants - Methamphetamine

This bill expands the definition of a drug-exposed infant to include exposure to methamphetamine or a derivative of methamphetamine for the purposes of determining whether a child is in need of assistance (CINA) or whether terminating a parent's rights is in the child's best interests.

Fiscal Summary

State Effect: The bill's impact is small enough that it could be handled with the existing resources of the Department of Human Resources (DHR) and the Judiciary.

Local Effect: The bill's impact is small enough that it could be handled with existing resources.

Small Business Effect: None.

Analysis

Current Law: Within one year after a child's birth, there is a presumption that a child is not receiving proper care and attention from the mother for the purposes of determining whether a child is a CINA if:

- the child was born exposed to cocaine, heroin, or a derivative of cocaine or heroin as shown by any appropriate tests of the mother or child; or

- upon hospital admission for delivery of the child, the mother tested positive for these drugs as shown by any appropriate toxicology tests; and
- drug treatment was made available and the mother refused the recommended level of drug treatment or did not successfully complete the drug treatment.

A CINA is a child who requires court intervention because the child has been abused, neglected, has a developmental disability or a mental disorder and the child's parents, guardian, or custodian are unable or unwilling to give proper care and attention to the child and his/her needs.

For purposes of a court's consideration of a petition to terminate parental rights, "drug" is defined as cocaine, heroin or a derivative of cocaine or heroin. Except as otherwise provided, a juvenile court must give primary consideration to the health and safety of the child and consider all factors needed to determine whether termination of parental rights is in the child's best interests. These factors include the drug exposure and amenability to treatment factors discussed above.

Background: DHR advises that few methamphetamine babies have been identified in Maryland. Most drug exposed babies are exposed to heroin, cocaine, marijuana, PCP, or alcohol or are compromised due to the misuse of prescription medicines. The federal Child and Family Services Improvement Act of 2006 authorizes \$40 million for "regional partnerships," that is, interagency grants to assist families affected by parental methamphetamine or other drug use. DHR further advises that exposure to any illegal drug places newborn infants at risk for physical, social, and emotional problems in the short and long term.

"Methamphetamine" is a highly addictive stimulant that affects the central nervous system. The drug is known for being made in small batches using over the counter ingredients such as ephedrine and pseudoephedrine. It is commonly known as "speed," "meth," and "chalk." If smoked, it is often referred to as "crystal meth," "ice," or "glass." It is a Schedule II stimulant and has been prescribed for the treatment of attention deficit hyperactivity and narcolepsy.

According to the 2005 National Survey on Drug Use and Health, an estimated 10.4 million people ages 12 and older reported having tried methamphetamines at some time in their lives. About 1.3 million reported use within a year of taking the survey and 512,000 reported using at the time of the survey. According to the Drug Abuse Warning Network, methamphetamine emergency room visits increased more than 50% between 1995 and 2002. Treatment admissions also increased greatly. In 1992, there were 21,000 treatment admissions with methamphetamine identified as the primary drug abused. By

2004, the number of treatment admissions increased to more than 150,000. In 1992, only five states reported high rates of treatment admissions for methamphetamines. By 2002, 21 states reported high numbers of treatment admissions for methamphetamine abuse.

State and Local Fiscal Effect: The Administrative Office of the Courts reports that this bill may require court personnel to become more knowledgeable about the effects of methamphetamine and effective treatment options. The Department of Legislative Services expects that any changes necessitated by the bill could be handled with the Judiciary's existing resources.

Additional Information

Prior Introductions: None.

Cross File: SB 686 (Senators Pugh and Kelley) – Judicial Proceedings.

Information Source(s): Department of Human Resources, Judiciary (Administrative Office of the Courts), Office of the Public Defender, National Institute of Drug Abuse, Department of Legislative Services

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Analysis by: Karen D. Morgan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510