

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 689

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “prohibiting” in line 4 down through “circumstances” in line 6 and substitute “establishing that, in making a disposition on a child in need of assistance (CINA) petition, a disability of the child’s parent, guardian, or custodian is relevant only to a certain extent; establishing that, in determining whether to grant custody and guardianship of a CINA to a relative or nonrelative, a disability of the relative or nonrelative is relevant only to a certain extent”; strike beginning with “prohibiting” in line 16 down through “circumstances” in line 18 and substitute “establishing that, in any custody or visitation proceeding, a disability of a party is relevant only to a certain extent”; in line 18, after “term;” insert “altering a certain definition;”; in line 23, strike “and 3-819.2(a)”; and in line 28, strike “3-819.2(g)” and substitute “3-819.2(a) and (g)”.

AMENDMENT NO. 2

On pages 3 and 4, strike beginning with “A” in line 28 on page 3 down through “**ACT**” in line 4 on page 4 and substitute “:

A. A PHYSICAL DISABILITY, INFIRMITY, MALFORMATION, OR DISFIGUREMENT THAT IS CAUSED BY BODILY INJURY, BIRTH DEFECT, OR ILLNESS, INCLUDING EPILEPSY;

B. A MENTAL IMPAIRMENT OR DEFICIENCY;

C. A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS PARAGRAPH; OR

(Over)

D. BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS PARAGRAPH.

2. “DISABILITY” INCLUDES:

A. ANY DEGREE OF PARALYSIS OR AMPUTATION;

B. BLINDNESS OR VISUAL IMPAIRMENT;

C. DEAFNESS OR HEARING IMPAIRMENT;

D. MUTENESS OR SPEECH IMPEDIMENT;

E. PHYSICAL RELIANCE ON A SERVICE ANIMAL OR A WHEELCHAIR OR OTHER REMEDIAL APPLIANCE OR DEVICE; AND

F. INTELLECTUAL DISABILITY, AS DEFINED IN § 7-101 OF THE HEALTH – GENERAL ARTICLE, AND ANY OTHER MENTAL IMPAIRMENT OR DEFICIENCY THAT MAY HAVE NECESSITATED REMEDIAL OR SPECIAL EDUCATION AND RELATED SERVICES”.

On page 4, strike beginning with “a” in line 15 down through “Act” in line 21 and substitute “:

(I) A PHYSICAL DISABILITY, INFIRMITY, MALFORMATION, OR DISFIGUREMENT THAT IS CAUSED BY BODILY INJURY, BIRTH DEFECT, OR ILLNESS, INCLUDING EPILEPSY;

(II) A MENTAL IMPAIRMENT OR DEFICIENCY;

(III) A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS SUBSECTION; OR

(IV) BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS SUBSECTION.

(2) “DISABILITY” INCLUDES:

(I) ANY DEGREE OF PARALYSIS OR AMPUTATION;

(II) BLINDNESS OR VISUAL IMPAIRMENT;

(III) DEAFNESS OR HEARING IMPAIRMENT;

(IV) Muteness or speech impediment;

(V) PHYSICAL RELIANCE ON A SERVICE ANIMAL OR A WHEELCHAIR OR OTHER REMEDIAL APPLIANCE OR DEVICE; AND

(VI) INTELLECTUAL DISABILITY, AS DEFINED IN § 7-101 OF THE HEALTH – GENERAL ARTICLE, AND ANY OTHER MENTAL IMPAIRMENT OR DEFICIENCY THAT MAY HAVE NECESSITATED REMEDIAL OR SPECIAL EDUCATION AND RELATED SERVICES”.

On pages 4 and 5, strike beginning with “A” in line 28 on page 4 down through “ACT” in line 4 on page 5 and substitute “:

1. A PHYSICAL DISABILITY, INFIRMITY, MALFORMATION, OR DISFIGUREMENT THAT IS CAUSED BY BODILY INJURY, BIRTH DEFECT, OR ILLNESS, INCLUDING EPILEPSY;

(Over)

2. A MENTAL IMPAIRMENT OR DEFICIENCY;
3. A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS PARAGRAPH; OR
4. BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS PARAGRAPH.

(II) “DISABILITY” INCLUDES:

1. ANY DEGREE OF PARALYSIS OR AMPUTATION;
2. BLINDNESS OR VISUAL IMPAIRMENT;
3. DEAFNESS OR HEARING IMPAIRMENT;
4. MUTENESS OR SPEECH IMPEDIMENT;
5. PHYSICAL RELIANCE ON A SERVICE ANIMAL OR A WHEELCHAIR OR OTHER REMEDIAL APPLIANCE OR DEVICE; AND
6. INTELLECTUAL DISABILITY, AS DEFINED IN § 7-101 OF THE HEALTH – GENERAL ARTICLE, AND ANY OTHER MENTAL IMPAIRMENT OR DEFICIENCY THAT MAY HAVE NECESSITATED REMEDIAL OR SPECIAL EDUCATION AND RELATED SERVICES”.

On page 5, strike beginning with “A” in line 11 down through “ACT” in line 19 and substitute “:

1. A PHYSICAL DISABILITY, INFIRMITY, MALFORMATION, OR DISFIGUREMENT THAT IS CAUSED BY BODILY INJURY, BIRTH DEFECT, OR ILLNESS, INCLUDING EPILEPSY;

2. A MENTAL IMPAIRMENT OR DEFICIENCY;

3. A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS PARAGRAPH; OR

4. BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS PARAGRAPH.

(II) “DISABILITY” INCLUDES:

1. ANY DEGREE OF PARALYSIS OR AMPUTATION;

2. BLINDNESS OR VISUAL IMPAIRMENT;

3. DEAFNESS OR HEARING IMPAIRMENT;

4. MUTENESS OR SPEECH IMPEDIMENT;

5. PHYSICAL RELIANCE ON A SERVICE ANIMAL OR A WHEELCHAIR OR OTHER REMEDIAL APPLIANCE OR DEVICE; AND

6. INTELLECTUAL DISABILITY, AS DEFINED IN § 7-101 OF THE HEALTH – GENERAL ARTICLE, AND ANY OTHER MENTAL IMPAIRMENT OR DEFICIENCY THAT MAY HAVE NECESSITATED REMEDIAL OR SPECIAL EDUCATION AND RELATED SERVICES”.

On page 6, strike beginning with “A” in line 11 down through “ACT” in line 19 and substitute “:

1. A PHYSICAL DISABILITY, INFIRMITY, MALFORMATION, OR DISFIGUREMENT THAT IS CAUSED BY BODILY INJURY, BIRTH DEFECT, OR ILLNESS, INCLUDING EPILEPSY;

2. A MENTAL IMPAIRMENT OR DEFICIENCY;

3. A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS PARAGRAPH; OR

4. BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS PARAGRAPH.

(II) “DISABILITY” INCLUDES:

1. ANY DEGREE OF PARALYSIS OR AMPUTATION;

2. BLINDNESS OR VISUAL IMPAIRMENT;

3. DEAFNESS OR HEARING IMPAIRMENT;

4. MUTENESS OR SPEECH IMPEDIMENT;

5. PHYSICAL RELIANCE ON A SERVICE ANIMAL OR A WHEELCHAIR OR OTHER REMEDIAL APPLIANCE OR DEVICE; AND

6. INTELLECTUAL DISABILITY, AS DEFINED IN § 7-101 OF THE HEALTH – GENERAL ARTICLE, AND ANY OTHER MENTAL

IMPAIRMENT OR DEFICIENCY THAT MAY HAVE NECESSITATED REMEDIAL OR SPECIAL EDUCATION AND RELATED SERVICES".

On pages 5 and 6, strike beginning with "A" in line 25 on page 5 down through "ACT" in line 4 on page 6 and substitute ":

1. A PHYSICAL DISABILITY, INFIRMITY, MALFORMATION, OR DISFIGUREMENT THAT IS CAUSED BY BODILY INJURY, BIRTH DEFECT, OR ILLNESS, INCLUDING EPILEPSY;

2. A MENTAL IMPAIRMENT OR DEFICIENCY;

3. A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS PARAGRAPH; OR

4. BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS PARAGRAPH.

(II) "DISABILITY" INCLUDES:

1. ANY DEGREE OF PARALYSIS OR AMPUTATION;

2. BLINDNESS OR VISUAL IMPAIRMENT;

3. DEAFNESS OR HEARING IMPAIRMENT;

4. MUTENESS OR SPEECH IMPEDIMENT;

5. PHYSICAL RELIANCE ON A SERVICE ANIMAL OR A WHEELCHAIR OR OTHER REMEDIAL APPLIANCE OR DEVICE; AND

(Over)

6. INTELLECTUAL DISABILITY, AS DEFINED IN § 7-101 OF THE HEALTH – GENERAL ARTICLE, AND ANY OTHER MENTAL IMPAIRMENT OR DEFICIENCY THAT MAY HAVE NECESSITATED REMEDIAL OR SPECIAL EDUCATION AND RELATED SERVICES”.

On pages 6 and 7, strike beginning with the second “A” in line 25 on page 6 down through “ACT” in line 6 on page 7 and substitute “:

(I) A PHYSICAL DISABILITY, INFIRMITY, MALFORMATION, OR DISFIGUREMENT THAT IS CAUSED BY BODILY INJURY, BIRTH DEFECT, OR ILLNESS, INCLUDING EPILEPSY;

(II) A MENTAL IMPAIRMENT OR DEFICIENCY;

(III) A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS SUBSECTION; OR

(IV) BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS SUBSECTION.

(2) “DISABILITY” INCLUDES:

(I) ANY DEGREE OF PARALYSIS OR AMPUTATION;

(II) BLINDNESS OR VISUAL IMPAIRMENT;

(III) DEAFNESS OR HEARING IMPAIRMENT;

(IV) MUTENESS OR SPEECH IMPEDIMENT;

(V) PHYSICAL RELIANCE ON A SERVICE ANIMAL OR A WHEELCHAIR OR OTHER REMEDIAL APPLIANCE OR DEVICE; AND

(VI) INTELLECTUAL DISABILITY, AS DEFINED IN § 7-101 OF THE HEALTH – GENERAL ARTICLE, AND ANY OTHER MENTAL IMPAIRMENT OR DEFICIENCY THAT MAY HAVE NECESSITATED REMEDIAL OR SPECIAL EDUCATION AND RELATED SERVICES”.

On page 12, strike beginning with “A” in line 10 down through “**ACT**” in line 18 and substitute “:

(I) A PHYSICAL DISABILITY, INFIRMITY, MALFORMATION, OR DISFIGUREMENT THAT IS CAUSED BY BODILY INJURY, BIRTH DEFECT, OR ILLNESS, INCLUDING EPILEPSY;

(II) A MENTAL IMPAIRMENT OR DEFICIENCY;

(III) A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS SUBSECTION; OR

(IV) BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS SUBSECTION.

(2) “DISABILITY” INCLUDES:

(I) ANY DEGREE OF PARALYSIS OR AMPUTATION;

(II) BLINDNESS OR VISUAL IMPAIRMENT;

(Over)

(III) DEAFNESS OR HEARING IMPAIRMENT;

(IV) MUTENESS OR SPEECH IMPEDIMENT;

(V) PHYSICAL RELIANCE ON A SERVICE ANIMAL OR A WHEELCHAIR OR OTHER REMEDIAL APPLIANCE OR DEVICE; AND

(VI) INTELLECTUAL DISABILITY, AS DEFINED IN § 7-101 OF THE HEALTH – GENERAL ARTICLE, AND ANY OTHER MENTAL IMPAIRMENT OR DEFICIENCY THAT MAY HAVE NECESSITATED REMEDIAL OR SPECIAL EDUCATION AND RELATED SERVICES”.

AMENDMENT NO. 3

On page 4, strike beginning with “THE” in line 6 down through “NEEDS” in line 10 and substitute “A DISABILITY OF THE CHILD’S PARENT, GUARDIAN, OR CUSTODIAN IS RELEVANT ONLY TO THE EXTENT THAT THE COURT FINDS, BASED ON EVIDENCE IN THE RECORD, THAT THE DISABILITY AFFECTS THE ABILITY OF THE PARENT, GUARDIAN, OR CUSTODIAN TO GIVE PROPER CARE AND ATTENTION TO THE CHILD AND THE CHILD’S NEEDS”.

On page 4, strike beginning with the first “the” in line 23 down through “child” in line 25 and substitute “A DISABILITY OF THE RELATIVE OR NONRELATIVE IS RELEVANT ONLY TO THE EXTENT THAT THE COURT FINDS, BASED ON EVIDENCE IN THE RECORD, THAT THE DISABILITY AFFECTS THE BEST INTEREST OF THE CHILD”.

On page 12, strike beginning with “THE” in line 19 down through “CHILD” in line 22 and substitute “A DISABILITY OF A PARTY IS RELEVANT ONLY TO THE EXTENT THAT THE COURT FINDS, BASED ON EVIDENCE IN THE RECORD, THAT THE DISABILITY AFFECTS THE BEST INTEREST OF THE CHILD”.