

HB0171/692913/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 171
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, after line 2, insert:

“(Anayah’s Law)”;

in line 5, strike “reunification efforts are not required” and substitute “efforts to reunify the child with the child’s parent or guardian are not required; defining a certain term; making a stylistic change”; and strike in their entirety lines 7 through 11, inclusive.

AMENDMENT NO. 2

On pages 1 through 3, strike in their entirety the lines beginning with line 20 on page 1 through line 26 on page 3, inclusive, and substitute:

“3-812.

(a) (1) In this section the following words have the meanings indicated, unless the context of their use indicates otherwise.

(2) “ABANDON” MEANS TO LEAVE A CHILD WITHOUT ANY PROVISION FOR SUPPORT AND WITHOUT ANY PERSON WHO HAS ACCEPTED LONG-TERM RESPONSIBILITY TO MAINTAIN CARE AND HAVE CUSTODY AND CONTROL OF THE CHILD WHEN:

(i) THE WHEREABOUTS OF THE PARENT OR GUARDIAN ARE UNKNOWN; AND

(Over)

(II) THE LOCAL DEPARTMENT HAS MADE REASONABLE EFFORTS TO LOCATE THE PARENT OR GUARDIAN OVER A PERIOD OF AT LEAST 6 MONTHS AND HAS BEEN UNSUCCESSFUL.

(3) “Crime of violence”:

(i) Has the meaning stated in § 14–101 of the Criminal Law Article; or

(ii) As to a crime committed in another state, means a crime that, if committed in this State, would be a crime of violence as defined in § 14–101 of the Criminal Law Article.

[(3)](4) “Torture” means to cause intense pain to body or mind for purposes of punishment or extraction of information or for sadistic purposes.

(b) In a petition under this subtitle, a local department may ask the court to find that reasonable efforts to reunify a child with the child’s parent or guardian are not required if the local department concludes that a parent or guardian [has]:

[(1) Subjected the child to:

(i) Chronic abuse;

(ii) Chronic and life–threatening neglect;

(iii) Sexual abuse; or

(iv) Torture;]

(1) HAS SUBJECTED THE CHILD TO ANY OF THE FOLLOWING AGGRAVATED CIRCUMSTANCES:

(i) THE PARENT OR GUARDIAN HAS ENGAGED IN OR FACILITATED:

1. CHRONIC OR SEVERE PHYSICAL ABUSE OF THE CHILD, A SIBLING OF THE CHILD, OR ANOTHER CHILD IN THE HOUSEHOLD;

2. CHRONIC AND LIFE-THREATENING NEGLECT OF THE CHILD, A SIBLING OF THE CHILD, OR ANOTHER CHILD IN THE HOUSEHOLD;

3. SEXUAL ABUSE OF THE CHILD, A SIBLING OF THE CHILD, OR ANOTHER CHILD IN THE HOUSEHOLD; OR

4. TORTURE OF THE CHILD, A SIBLING OF THE CHILD, OR ANOTHER CHILD IN THE HOUSEHOLD;

(ii) THE PARENT OR GUARDIAN KNOWINGLY FAILED TO TAKE APPROPRIATE STEPS TO PROTECT THE CHILD AFTER A PERSON IN THE HOUSEHOLD INFLICTED SEXUAL ABUSE, SEVERE PHYSICAL ABUSE, LIFE-THREATENING NEGLECT, OR TORTURE ON THE CHILD OR ANOTHER CHILD IN THE HOUSEHOLD;

(iii) THE CHILD, A SIBLING OF THE CHILD, OR ANOTHER CHILD IN THE HOUSEHOLD HAS SUFFERED SEVERE PHYSICAL ABUSE OR DEATH RESULTING FROM ABUSE BY THE PARENT OR GUARDIAN OR ANOTHER ADULT IN THE HOUSEHOLD AND ALL PERSONS WHO COULD HAVE INFLICTED THE ABUSE OR CAUSED THE DEATH REMAIN IN THE HOUSEHOLD; OR

(Over)

(IV) THE PARENT OR GUARDIAN HAS ABANDONED THE CHILD;

(2) [Been] HAS BEEN convicted, in any state or any court of the United States, of:

(i) A crime of violence against:

1. A minor offspring of the parent or guardian;

2. The child; or

3. Another parent or guardian of the child; or

(ii) Aiding or abetting, conspiring, or soliciting to commit a crime described in item (i) of this item; or

(3) [Involuntarily] HAS INVOLUNTARILY lost parental rights of a sibling of [a] THE child.”