

HOUSE BILL 347

D3, D4

5lr1767

By: **Delegates Valentino-Smith and Afzali**
Introduced and read first time: February 5, 2015
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Courts – Child Abuse and Neglect – Waiver of Reunification Efforts**

3 FOR the purpose of altering the circumstances under which a local department of social
4 services may ask the court in a child in need of assistance proceeding to find that
5 reasonable efforts to reunify the child with the child’s parent or guardian are not
6 required; defining a certain term; making a stylistic change; and generally relating
7 to child abuse and neglect.

8 BY repealing and reenacting, with amendments,
9 Article – Courts and Judicial Proceedings
10 Section 3–812
11 Annotated Code of Maryland
12 (2013 Replacement Volume and 2014 Supplement)

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

15 **Article – Courts and Judicial Proceedings**

16 3–812.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(I) THE WHEREABOUTS OF THE PARENT OR GUARDIAN ARE**
2 **UNKNOWN; AND**

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

6 **(3) “Crime of violence”:**

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

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

12 **[(3)](4) “Torture” means to cause intense pain to body or mind for**
13 **purposes of punishment or extraction of information or for sadistic purposes.**

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

17 **[(1) Subjected the child to:**

18 (i) Chronic abuse;

19 (ii) Chronic and life–threatening neglect;

20 (iii) Sexual abuse; or

21 (iv) Torture;]

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

24 **(I) THE PARENT OR GUARDIAN HAS ENGAGED IN OR**
25 **FACILITATED:**

26 1. **CHRONIC OR EXTREME PHYSICAL ABUSE OF THE**
27 **CHILD, A SIBLING OF THE CHILD, OR ANOTHER CHILD IN THE HOUSEHOLD;**

28 2. **CHRONIC AND LIFE–THREATENING NEGLECT OF THE**
29 **CHILD, A SIBLING OF THE CHILD, OR ANOTHER CHILD IN THE HOUSEHOLD;**

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

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

5 **(II) THE CHILD, A SIBLING OF THE CHILD, OR ANOTHER CHILD**
6 **IN THE HOUSEHOLD HAS SUFFERED EXTREME BODILY HARM OR DEATH RESULTING**
7 **FROM ABUSE BY THE PARENT OR GUARDIAN OR ANOTHER ADULT IN THE**
8 **HOUSEHOLD AND ALL PERSONS WHO COULD HAVE INFLICTED THE HARM OR**
9 **CAUSED THE DEATH REMAIN IN THE HOUSEHOLD; OR**

10 **(III) THE PARENT OR GUARDIAN HAS ABANDONED THE CHILD.**

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

13 (i) A crime of violence against:

14 1. A minor offspring of the parent or guardian;

15 2. The child; or

16 3. Another parent or guardian of the child; or

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

19 (3) **[Involuntarily] HAS INVOLUNTARILY** lost parental rights of a sibling
20 of **[a] THE** child; **OR**

21 **(4) IS REQUIRED TO REGISTER AS A SEX OFFENDER UNDER § 11-704**
22 **OF THE CRIMINAL PROCEDURE ARTICLE.**

23 (c) If the local department determines after the initial petition is filed that any of
24 the circumstances specified in subsection (b) of this section exists, the local department
25 may immediately request the court to find that reasonable efforts to reunify the child with
26 the child's parent or guardian are not required.

27 (d) If the court finds by clear and convincing evidence that any of the
28 circumstances specified in subsection (b) of this section exists, the court shall waive the
29 requirement that reasonable efforts be made to reunify the child with the child's parent or
30 guardian.

1 (e) If the court finds that reasonable efforts are not required, the local department
2 shall:

3 (1) Request that a permanency planning hearing be held in accordance
4 with § 3–823 of this subtitle within 30 days after the court makes the finding; and

5 (2) Make reasonable efforts to place the child in a timely manner in
6 accordance with the permanency plan and complete the steps necessary to finalize the
7 permanent placement of the child.

8 (f) If a parent consents to guardianship or adoption in accordance with § 5–320
9 or § 5–338 of the Family Law Article, loss of parental rights shall be considered voluntary.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2015.