

HOUSE BILL 944

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5lr3183

By: **Delegate Toles**

Introduced and read first time: January 31, 2025

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Children in Need of Assistance and Termination of Parental**
3 **Rights**

4 FOR the purpose of repealing a provision that authorizes a local department of social
5 services to ask the juvenile court to find that reasonable efforts to reunify a child
6 with the child’s parent or guardian are not required if the local department concludes
7 that a parent or guardian has involuntarily lost parental rights to a sibling of the
8 child; repealing a provision that requires a court, when determining whether to
9 involuntarily terminate parental rights, to consider whether the parent has
10 involuntarily lost parental rights to a sibling of the child; and generally relating to
11 the termination of parental rights.

12 BY repealing and reenacting, with amendments,
13 Article – Courts and Judicial Proceedings
14 Section 3–812(b)
15 Annotated Code of Maryland
16 (2020 Replacement Volume and 2024 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Family Law
19 Section 5–323(d)
20 Annotated Code of Maryland
21 (2019 Replacement Volume and 2024 Supplement)

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

24 **Article – Courts and Judicial Proceedings**

25 3–812.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

4 (1) Has subjected the child to any of the following aggravated
5 circumstances:

6 (i) The parent or guardian has engaged in or facilitated:

7 1. Chronic or severe physical abuse of the child, a sibling of
8 the child, or another child in the household;

9 2. Chronic and life-threatening neglect of the child, a sibling
10 of the child, or another child in the household;

11 3. Sexual abuse of the child, a sibling of the child, or another
12 child in the household; or

13 4. Torture of the child, a sibling of the child, or another child
14 in the household;

15 (ii) The parent or guardian knowingly failed to take appropriate
16 steps to protect the child after a person in the household inflicted sexual abuse, severe
17 physical abuse, life-threatening neglect, or torture on the child or another child in the
18 household;

19 (iii) The child, a sibling of the child, or another child in the household
20 has suffered severe physical abuse or death resulting from abuse by the parent or guardian
21 or another adult in the household and all persons who could have inflicted the abuse or
22 caused the death remain in the household; or

23 (iv) The parent or guardian has abandoned the child; **OR**

24 (2) Has been convicted, in any state or any court of the United States, of:

25 (i) A crime of violence against:

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

27 2. The child; or

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

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

31 (3) Has involuntarily lost parental rights of a sibling of the child].

Article – Family Law

5–323.

(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:

(1) (i) all services offered to the parent before the child’s placement, whether offered by a local department, another agency, or a professional;

(ii) the extent, nature, and timeliness of services offered by a local department to facilitate reunion of the child and parent; and

(iii) the extent to which a local department and parent have fulfilled their obligations under a social services agreement, if any;

(2) the results of the parent’s effort to adjust the parent’s circumstances, condition, or conduct to make it in the child’s best interests for the child to be returned to the parent’s home, including:

(i) the extent to which the parent has maintained regular contact with:

1. the child;
2. the local department to which the child is committed; and
3. if feasible, the child’s caregiver;

(ii) the parent’s contribution to a reasonable part of the child’s care and support, if the parent is financially able to do so;

(iii) the existence of a parental disability that makes the parent consistently unable to care for the child’s immediate and ongoing physical or psychological needs for long periods of time; and

(iv) whether additional services would be likely to bring about a lasting parental adjustment so that the child could be returned to the parent within an ascertainable time not to exceed 18 months from the date of placement unless the juvenile court makes a specific finding that it is in the child’s best interests to extend the time for a specified period;

(3) whether:

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1 (i) the parent has abused or neglected the child or a minor and the
2 seriousness of the abuse or neglect;

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

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

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

10 (iii) the parent subjected the child to:

11 1. chronic abuse;

12 2. chronic and life-threatening neglect;

13 3. sexual abuse; or

14 4. torture; **AND**

15 (iv) the parent has been convicted, in any state or any court of the
16 United States, of:

17 1. a crime of violence against:

18 A. a minor offspring of the parent;

19 B. the child; or

20 C. another parent of the child; or

21 2. aiding or abetting, conspiring, or soliciting to commit a
22 crime described in item 1 of this item; and

23 [(v) the parent has involuntarily lost parental rights to a sibling of
24 the child; and]

25 (4) (i) the child's emotional ties with and feelings toward the child's
26 parents, the child's siblings, and others who may affect the child's best interests
27 significantly;

28 (ii) the child's adjustment to:

29 1. community;

- 1 2. home;
- 2 3. placement; and
- 3 4. school;
- 4 (iii) the child's feelings about severance of the parent-child
- 5 relationship; and
- 6 (iv) the likely impact of terminating parental rights on the child's
- 7 well-being.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

9 October 1, 2025.