



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

**Testimony of Senator Jill P. Carter
In Favor of SB 772
–Child in Need of Assistance - Neglect - Marijuana Use–
Before the Judicial Proceedings Committee
On March 10, 2022**

Chairman Smith, Vice Chair Waldstreicher, and Esteemed Members of the Committee:

As Maryland begins the process of decriminalizing marijuana, it is essential that the laws regarding parent use of marijuana in the child welfare system align with decriminalization. Senate Bill 772 bill alters the definition of “neglect” in statutory provisions that govern child in need of assistance (CINA) proceedings. The bill specifies that, except under certain circumstances, neglect does not include the use of marijuana by any parent or individual who has permanent or temporary care or custody or responsibility for supervision of the child.

In 2017, 651 children nationwide were placed in foster care because of parental drug use. Among that number were children whose parents only used marijuana. While typically not the only issue when children are brought before the court in CINA cases, marijuana is generally used as additional evidence against a parent challenging their ability to care for their child.

However, far too often, for many parents, marijuana can be the sole barrier to them regaining custody of their children. Even for parents who have been determined by the court to have successfully addressed issues of parenting, mental health, housing, etc., a positive

toxicology for marijuana could be the sole basis for preventing reunification.

It is important to separate cannabis use from allegations of abuse. The two are not synonymous. There is no science or evidence to support family separation based upon parental marijuana use alone. Marijuana use alone does not predict parental deficiency.

The use of marijuana as evidence of neglect only contributes to the racial discrimination already widely perpetuated in the child welfare system. While the data is not available for Maryland, “It is understood nationally that like so many issues involving child welfare, people are often treated differently due to their race when it comes to parents who use marijuana.”

In an article published by The Imprint, it was reported that well off parents have publicly testified to the calming effects of marijuana, openly participating in groups like, “Moms for Marijuana;” while black and Latinx parents are often held to a different standard, finding themselves accused of being unfit to raise their children if they use marijuana even occasionally.

States like Texas, New York and Massachusetts have already passed laws that affirmatively state that a parent may not be found to neglect their children on the sole basis of marijuana use. Maryland needs to do the same.

The law should reflect that the use of marijuana by itself is not evidence that a parent is unable or unwilling to care for their child. While case law already exists that states there must be a nexus between drug use and the risk of harm, the way parents who use marijuana are treated in the child welfare system vary across jurisdictions.

Having a statute that explicitly states that marijuana use alone does not mean a parent is neglectful will better align the child welfare law with what we know to be true about marijuana use: that it alone is not a nexus to abuse or neglect. This change in the law would also serve to align child welfare with the decriminalization and social acceptance

of marijuana in the state and nation at large. And will also work to reduce the racial disparities that are inherent in child welfare.

For these reasons I am asking that this committee give a favorable report to Senate Bill 772

Sincerely,

A handwritten signature in blue ink that reads "Jill P. Carter". The signature is written in a cursive, flowing style.

Jill P. Carter, Esq.