

**Date:** March 15, 2023

**Bill number:** SB0653

**Committee:** Senate Judicial Proceedings Committee

**Bill Title:** **Child in Need of Assistance - Neglect - Cannabis Use**

**DHS Position:** **LETTER OF INFORMATION**

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The Maryland Department of Human Services (DHS) thanks the Committee for the opportunity to provide written information for Senate Bill 653 (SB 653).

Senate Bill 653 would amend the definition of neglect under Courts and Judicial Proceedings Section 3-801(s) to exclude the use of cannabis by a parent or other individual with care or custody or responsibility for supervising the child unless the use of cannabis results in harm or a substantial risk of harm to the child or mental injury or a substantial risk of mental injury.

Under current law, the use of cannabis or any controlled substance alone does not lead to an indicated finding of neglect. When the Department is evaluating a child neglect report that involves caregiver substance use, there is an assessment conducted in order to gather information. If the assessment determines there is no harm or substantial risk of harm to the child, the Department would not make a neglect finding or remove a child from the caregiver. If the Department received a report of a caregiver using marijuana with no impact on their ability to parent, no harm or substantial risk of harm to the child, and no other allegations, then this report would be screened out for CPS intervention.

Senate Bill 653 would alter the definition of “neglect” in the Court and Judicial Proceedings Article, but does not alter the same definition provided in Family Law Article § 5-701(s). Consequently, this could create ambiguity in the statute that does not currently exist. Further, under current law, the definitions of neglect for purposes of CINA proceedings and for purposes of conducting child abuse and neglect investigations are “defined in precisely the same terms,”<sup>1</sup> which aids the Department and courts in interpreting the meaning of “neglect” in a consistent manner.

The Department appreciates the opportunity to provide the aforementioned information to the committee for consideration during your deliberations. DHS welcomes collaboration with the committee on SB 653.

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<sup>1</sup> *Montgomery County Dep’t of Soc. Servs. v. Tamara A.*, 178 Md. App. 658, 699 (2008), *rev’d on other grounds*, 407 Md. 180 (2009)

