

**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Matthew J. Fader  
Chief Justice

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** House Judiciary Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** House Bill 833  
Children in Need of Assistance – Parents in Substance Use  
Disorder Treatment  
**DATE:** February 7, 2024  
(2/15)  
**POSITION:** Oppose

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The Maryland Judiciary opposes House Bill 833. This bill would amend the Courts and Judicial Proceedings Article and the Family Law Article by creating a presumption, in a Child in Need of Assistance case, that when a parent is receiving treatment from an inpatient or outpatient substance use disorder program that has beds or services for patients' children, that the child is receiving proper care and attention, that emergency circumstances do not exist, and that it is in the child's best interest to be placed with the parent.

The Judiciary opposes the creation of the presumptions for several reasons. The Judiciary notes the difficulty of presuming (at such an early stage of the case, when the court may have little information) that there is no emergency situation. The court also only has limited information about a treatment program's child-specific programming. It is difficult to presume that the child is getting proper care and attention, and that child welfare cases are extremely fact-specific.

cc. Hon. Nicole Williams  
Judicial Council  
Legislative Committee  
Kelley O'Connor