

Section 5-706.3

Annotated Code of Maryland

(1991 Replacement Volume and 1996 Supplement)

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

Article - Courts and Judicial Proceedings

3-801.

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

(e) "Child in need of assistance" is a child who requires the assistance of the court because:

(1) [He] ~~(1) THE CHILD is mentally handicapped or is not receiving ordinary and proper care and attention[,], and:~~

~~(i) IS MENTALLY HANDICAPPED;~~

~~(ii) WAS BORN ADDICTED TO OR DEPENDENT ON COCAINE, THE FORM OF COCAINE KNOWN AS "CRACK", OR HEROIN;~~

~~(iii) WAS BORN WITH A SIGNIFICANT PRESENCE OF COCAINE, THE FORM OF COCAINE KNOWN AS "CRACK", OR HEROIN IN THE CHILD'S BLOOD AS EVIDENCED BY TOXICOLOGY OR OTHER APPROPRIATE TESTS; OR~~

~~(iv) IS NOT RECEIVING ORDINARY AND PROPER CARE AND ATTENTION, AND IS MENTALLY HANDICAPPED OR IS NOT RECEIVING ORDINARY AND PROPER CARE AND ATTENTION, AND~~

[(2) His] ~~(2) THE CHILD'S~~ parents, guardian, or custodian are unable or unwilling to give proper care and attention to the child and [his] ~~THE CHILD'S~~ problems provided, however, a child shall not be deemed to be in need of assistance for the sole reason [he] ~~THAT THE CHILD~~ is being furnished nonmedical remedial care and treatment recognized by State law; ~~OR.~~

~~(2) (1) 1. THE CHILD WAS BORN ADDICTED TO OR DEPENDENT ON COCAINE, THE FORM OF COCAINE KNOWN AS "CRACK", OR HEROIN; OR~~

~~2. THE CHILD WAS BORN WITH A SIGNIFICANT PRESENCE OF COCAINE, THE FORM OF COCAINE KNOWN AS "CRACK", OR HEROIN IN THE CHILD'S BLOOD AS EVIDENCED BY TOXICOLOGY OR OTHER APPROPRIATE TESTS; AND~~

~~(1) THE LOCAL DEPARTMENT OF SOCIAL SERVICES, AFTER AN APPROPRIATE INVESTIGATION, OFFERED THE MOTHER ADMISSION INTO A DRUG TREATMENT PROGRAM UNDER § 5-710 OF THE FAMILY LAW ARTICLE WITHIN 90 DAYS AFTER THE CHILD'S BIRTH AND THE CHILD'S MOTHER DECLINED ADMISSION OR FAILED TO FULLY PARTICIPATE IN THE PROGRAM OR ITS EQUIVALENT.~~