HOUSE BILL 833

D4 4lr1204

By: Delegates Williams and Wilkins

Introduced and read first time: January 31, 2024

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

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Children in Need of Assistance – Parents in Substance Use Disorder Treatment

- FOR the purpose of establishing a presumption that placement with a child's parent is in 4 the best interest of the child, the child is receiving proper care and attention, and 5 there is not a certain emergency situation if the child's parent is receiving certain 6
- substance use disorder treatment; requiring a local department of social services to 7 file a certain report with a court under certain circumstances; and generally relating
- 8 to children in need of assistance.
- 9 BY repealing and reenacting, with amendments,
- 10 Article – Courts and Judicial Proceedings
- 11 Section 3-815 and 3-818
- Annotated Code of Maryland 12
- (2020 Replacement Volume and 2023 Supplement) 13
- BY repealing and reenacting, with amendments, 14
- 15 Article – Family Law
- 16 Section 5–525(e)(4)
- 17 Annotated Code of Maryland
- (2019 Replacement Volume and 2023 Supplement) 18
- 19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
- 20 That the Laws of Maryland read as follows:

Article - Courts and Judicial Proceedings

223-815.

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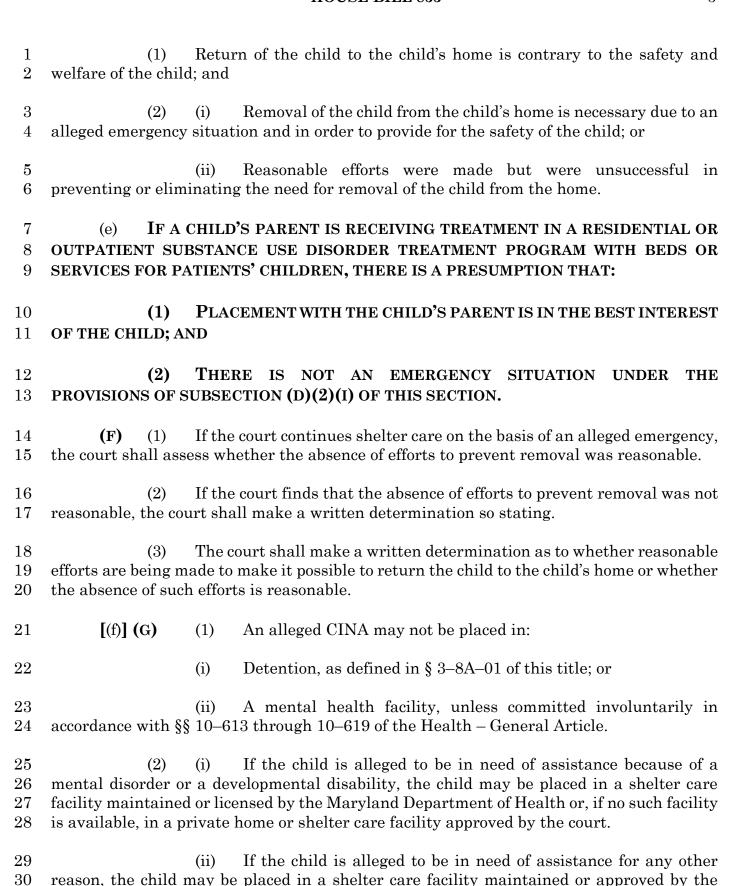
- 23 In accordance with regulations adopted by the Department of Human
- 24Services, a local department may authorize shelter care for a child who may be in need of
- 25 assistance and has been taken into custody under this subtitle.



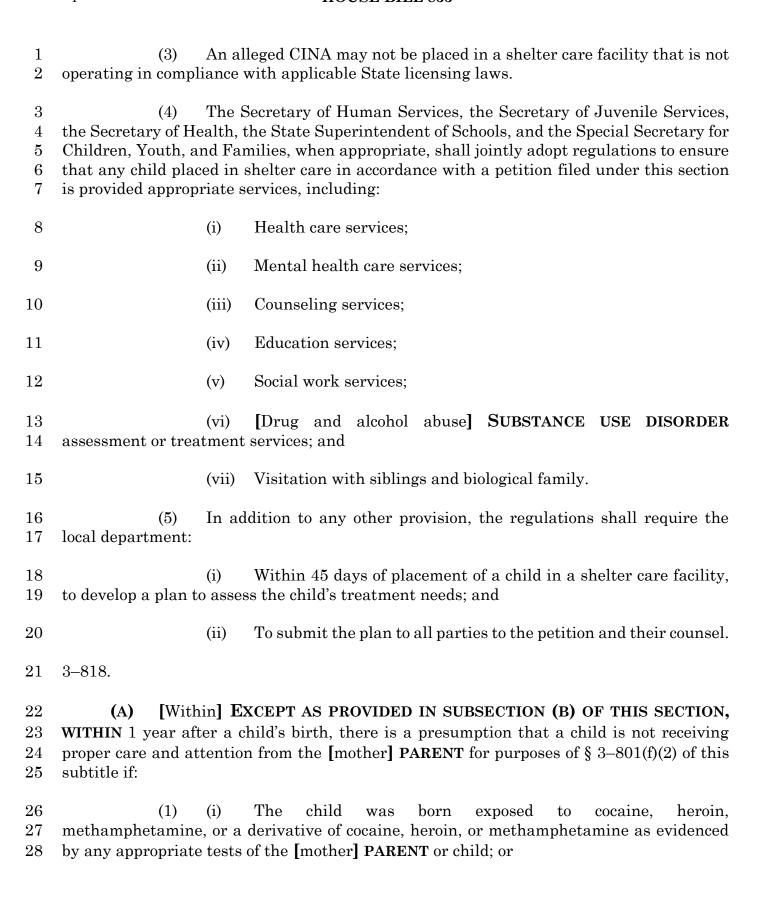
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the safety of the child.

- A local department may place a child in emergency shelter care before a 1 (b) 2 hearing if: 3 (1) Placement is required to protect the child from serious immediate 4 danger; 5 (2)There is no parent, guardian, custodian, relative, or other person able 6 to provide supervision; and 7 The child's continued placement in the child's home is (3)(i) 1. contrary to the welfare of the child; and 8 9 2. Because of an alleged emergency situation, removal from 10 the home is reasonable under the circumstances to provide for the safety of the child; or 11 (ii) 1. Reasonable efforts have been made but have been 12 unsuccessful in preventing or eliminating the need for removal from the child's home; and 13 As appropriate, reasonable efforts are being made to return the child to the child's home. 14 15 (c) Whenever a child is not returned to the child's parent, guardian, or 16 custodian, the local department shall immediately file a petition to authorize continued 17 shelter care. 18 (2)The court shall hold a shelter care hearing on the petition before (i) 19 disposition to determine whether the temporary placement of the child outside of the home 20 is warranted. 21(ii) Unless extended on good cause shown, a shelter care hearing 22shall be held not later than the next day on which the circuit court is in session. 23If the child's parents, guardian, custodian, or relatives can be located, (3)24reasonable notice, oral or written, stating the time, place, and purpose of the shelter care 25hearing shall be given. 26 A court may not order shelter care for more than 30 days except that 27 shelter care may be extended for up to an additional 30 days if the court finds after a 28 hearing held as part of an adjudication that continued shelter care is needed to provide for
- 30 (5) Unless good cause is shown, a court shall give priority to the child's relatives over nonrelatives when ordering shelter care for a child.
- 32 (d) [A] SUBJECT TO SUBSECTION (E) OF THIS SECTION, A court may continue 33 shelter care beyond emergency shelter care only if the court finds that:



Social Services Administration or in a private home or shelter care facility approved by the court.



- 1 (ii) Upon admission to a hospital for delivery of the child, the 2 [mother] PARENT tested positive for cocaine, heroin, methamphetamine, or a derivative of 3 cocaine, heroin, or methamphetamine as evidenced by any appropriate toxicology test; and
- 4 (2) [Drug] SUBSTANCE USE DISORDER treatment is made available to the [mother] PARENT and the [mother] PARENT refuses the recommended level of [drug] 6 SUBSTANCE USE DISORDER treatment, or does not successfully complete the recommended level of [drug] SUBSTANCE USE DISORDER treatment.
- 8 (B) THERE IS A PRESUMPTION THAT A CHILD IS RECEIVING PROPER CARE
 9 AND ATTENTION FROM THE PARENT FOR PURPOSES OF § 3–801(F)(2) OF THIS
 10 SUBTITLE IF THE PARENT IS RECEIVING TREATMENT IN A RESIDENTIAL OR
 11 OUTPATIENT SUBSTANCE USE DISORDER TREATMENT PROGRAM WITH BEDS OR
 12 SERVICES FOR PATIENTS' CHILDREN.

Article – Family Law

14 5-525.

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- (e) (4) If continuation of reasonable efforts to reunify the child with the child's parents or guardian is determined to be inconsistent with the permanency plan for the child[,]:
- 18 **(I)** reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, including consideration of both in—State 20 and out—of—state placements, and to complete the steps to finalize the permanent placement of the child; **AND**
- (II) IN A CASE IN WHICH THE PARENT OF THE CHILD IS
 RECEIVING TREATMENT IN A RESIDENTIAL OR OUTPATIENT SUBSTANCE USE
 DISORDER TREATMENT PROGRAM WITH BEDS OR SERVICES FOR PATIENTS'
 CHILDREN, THE LOCAL DEPARTMENT SHALL FILE A REPORT WITH THE COURT THAT
 EXPLAINS:
- 27 1. WHY THE CHILD WAS NOT PLACED WITH THE PARENT;
- 28 2. ANY EFFORTS THE LOCAL DEPARTMENT HAS MADE TOWARD PLACEMENT OF THE CHILD; AND
- 30 3. ANY DIFFICULTIES WITH PLACING THE CHILD WITH 31 THE PARENT.
- 32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 33 October 1, 2024.