



**Maryland Laws Regarding Abuse, Endangerment, and Neglect**

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<b>Child Abuse</b>	<p><b>Physical Abuse</b> – Md. Code Ann., Fam. Law §5-701</p> <ul style="list-style-type: none"> <li>Physical injury of child under circumstances that indicate child’s health or welfare is harmed or at substantial risk of being harmed</li> </ul>
	<p><b>Sexual Abuse/ Exploitation</b> – Md. Code Ann., Fam. Law §5-701</p> <ul style="list-style-type: none"> <li>Sexual molestation or exploitation: allowing or encouraging child to engage in pornography or similar activity, prostitution, incest, rape, sexual offenses, sodomy, unnatural or perverted sexual practices</li> <li>Sex trafficking: recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting child for purpose of commercial sex act</li> </ul>
	<p><b>Emotional Abuse</b> – Md. Code Ann., Fam. Law §5-701</p> <ul style="list-style-type: none"> <li>Mental injury of child under circumstances that indicate child’s health or welfare is harmed or at substantial risk of being harmed</li> </ul>
	<p><b>Domestic Violence as Child Abuse</b> – Md. Code Ann., Fam. Law § 4-501(b)(2)</p> <ul style="list-style-type: none"> <li>(2) If the person for whom relief is sought is a child, “abuse” may also include abuse of a child, as defined in Title 5, Subtitle 7 of this article. Nothing in this subtitle shall be construed to prohibit reasonable punishment, including reasonable corporal punishment, in light of the age and condition of the child, from being performed by a parent or stepparent of the child.</li> </ul>
<b>Abandonment</b>	<p><b>UCCJEA</b> - Md. Code Ann., Fam. Law § 9.5-101</p> <ul style="list-style-type: none"> <li>“abandoned” means left without provision for reasonable and necessary care or supervision.</li> </ul>
<b>Child Neglect</b>	<p><b>Family Law</b> - Md. Code Ann., Fam. Law, § 5-701(s)</p> <ul style="list-style-type: none"> <li>“Neglect” means the leaving of a child unattended or other failure to give proper care and attention to a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of the child under circumstances that indicate: (1) that the child’s health or welfare is harmed or placed at substantial risk of harm; or (2) Mental injury to the child or a substantial risk of mental injury.</li> </ul>



**Parent-Child Relationship Covered by the Domestic Violence State Statute**

**Text Defining Relationships Covered By State Domestic Violence Statutes**

**Family Law- Domestic Violence-** Md. Code Ann., Fam. Law § 4-501 (m) “Person eligible for relief” includes:  
(1) the current or former spouse of the respondent;  
(2) a cohabitant of the respondent;  
(3) a person related to the respondent by blood, marriage, or adoption;  
(4) a parent, stepparent, child, or stepchild of the respondent or the person eligible for relief who resides or resided with the respondent or person eligible for relief for at least 90 days within 1 year before the filing of the petition;  
(5) a vulnerable adult;  
(6) an individual who has a child in common with the respondent; or  
(7) an individual who has had a sexual relationship with the respondent within 1 year before the filing of the petition.

**Text of Statute Covering Acts That Constitute Child Abuse**

**Family Law- Domestic Violence-** Md. Code Ann., Fam. Law § 4-501 (b)(1) “Abuse” means any of the following acts:  
(i) an act that causes serious bodily harm;  
(ii) an act that places a person eligible for relief in fear of imminent serious bodily harm;  
(iii) assault in any degree;  
(iv) rape or sexual offense under §§ 3-303 through 3-308 of the Criminal Law Article or attempted rape or sexual offense in any degree;  
(v) false imprisonment; or  
(vi) stalking under § 3-802 of the Criminal Law Article.  
(2) If the person for whom relief is sought is a child, “abuse” may also include abuse of a child, as defined in Title 5, Subtitle 7 of this article. Nothing in this subtitle shall be construed to prohibit reasonable punishment, including reasonable corporal punishment, in light of the age and condition of the child, from being performed by a parent or stepparent of the child.  
(3) If the person for whom relief is sought is a vulnerable adult, “abuse” may also include abuse of a vulnerable adult, as defined in Title 14, Subtitle 1 of this article.

**Domestic Violence Protection Order Statutes**

**Family Law- Domestic Violence-** Md. Code Ann., Fam. Law § 4-505 (a)(1) If, after a hearing on a petition, whether ex parte or otherwise, a judge finds that there are reasonable grounds to believe that a person eligible for relief has been abused, the judge may enter a temporary protective order to protect any person eligible for relief from abuse.



<p><b>Child Endangerment</b></p>	<p>Maryland’s endangerment statute includes all persons including children.  <b>Reckless endangerment-</b> Md. Code Ann., Crim. Law § 3-204          (a) A person may not recklessly:          (1) engage in conduct that creates a substantial risk of death or serious physical injury to another; or          (2) discharge a firearm from a motor vehicle in a manner that creates a substantial risk of death or serious physical injury to another.</p>
<p><b>Best Interests of the Child</b></p>	<p><b>Factors determining “Best interests” of the child</b>          - <i>Montgomery County v. Sanders</i>, 38 Md. App. 406 (1977)</p> <ul style="list-style-type: none"> <li>• fitness of the parents</li> <li>• character and reputation of the parties</li> <li>• parents’ wishes and any agreement between them</li> <li>• the potential for maintaining family relations</li> <li>• child’s wishes (if of suitable age and discretion)</li> <li>• material opportunities affecting the future life of the child</li> <li>• age, health, and sex of the child</li> <li>• the residences of the parents and the opportunity for visitation</li> <li>• the length of separation of the parents</li> <li>• whether there was any prior voluntary abandonment or surrender of custody of the child</li> </ul> <p>MD Family § 9-101: The court's discretion to determine custody is limited if there is evidence of abuse or neglect.</p> <p><b>Factors determining whether terminating a parent’s rights is in the child’s best interest</b> - MD FAMILY § 5-323</p> <ul style="list-style-type: none"> <li>• nature and extent of services offered to the parent before the child's placement</li> <li>• parent's effort to adjust the parent's circumstances, condition, or conduct to make it in the child's best interests to be returned to parent's home</li> <li>• extent to which the parent has maintained regular contact with child and caregivers</li> <li>• parent's contribution to child's care and support, if the parent is financially able to do so</li> <li>• parental disability</li> <li>• whether additional services would be likely to bring about a lasting parental adjustment</li> <li>• abuse or neglect of the child or a minor</li> <li>• substance abuse</li> <li>• conviction of crime of violence against any child or other parent of child, or aiding or abetting same</li> <li>• involuntarily loss of parental rights to a sibling of child</li> </ul>



- child's emotional ties with and feelings toward parents, siblings, and others who may affect the child's best interests
- the child's adjustment to home, school, community, and placement
- the child's feelings about severance of the parent-child relationship
- likely impact of terminating parental rights on child's well-being

**Factors determining grandchild’s best interests for purposes of determining whether to award grandparental visitation rights -**

*Fairbanks v. McCarter*, 330 Md. 39 (1993)

- nature and stability of child's relationships with parents
- nature and substantiality of relationship between child and grandparent, taking into account frequency of contact, regularity of contact and amount of time spent together
- potential benefits and detriments to child of granting visitation order
- any effect grandparental visitation would have on child's attachment to its nuclear family
- physical and emotional health of adults involved; and stability of child's living and schooling arrangements

**Factors determining the permanency plan that is in the best interest of a child in an out-of-home placement - MD FAMILY § 5-525**

- child's ability to be safe and healthy in the home of child's parent
- child's attachment and emotional ties to the child's natural parents and siblings
- child's emotional attachment to the child's current caregiver and the caregiver's family
- length of time the child has resided with the current caregiver
- potential emotional, developmental, and educational harm to the child if moved from child's current placement
- potential harm to the child by remaining in State custody for an excessive period of time.

**Factors determining whether it is in the best interests of a perspective adoptee to terminate a parent’s rights by nonconsensual adoption - MD FAMILY § 5-3B-22, MD FAMILY § 5-3B-16**

- primary consideration to the health and safety of child
- the report required under § 5-3B-16, which includes summaries of child's emotional ties with and feelings toward parents, siblings, and others who may affect best interests significantly, and child's adjustment to home school and community