

MARYLAND

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HOW THE STATE CAN REMOVE CUSTODY

Statute: §§5-313; 5-525.1(b)(1)¹

Grounds: Abandonment or extreme parental disinterest, abuse/neglect, mental illness or deficiency, alcohol or drug induced incapacity, felony conviction/incarceration, failure of reasonable efforts, sexual abuse, abuse/neglect or loss of rights of another child, failure to maintain contact, failure to provide support, child judged in need of services/dependent, child's best interest, child in care 15 of 22 months (or less), felony assault of child or sibling, murder/manslaughter of sibling child, child continuously out of parental custody, identity of parent(s) unknown, convicted of crime of violence against other parent.

Exceptions: State may elect not to file petition if: 1) child being cared for by relative; 2) agency has documented compelling reason why TPR is not in best interest of child; 3) agency has not provided services consistent with time period in case plan that agency deems necessary for safe return of child.

WHAT THE LAW SAYS ABOUT SEPARATING A MOTHER FROM HER BABY

It appears pursuant to state law that upon the birth of her child, the foster teen possesses legal custody to the extent that she has the right to bring legal proceedings on her newborn's behalf. MD Code, Family Law, § 10-314 (Action by minor parent) thus sets forth that a minor parent, or a guardian or other legal representative of a minor parent, may maintain a proceeding on behalf of or for the benefit of the minor's child. Attorneys and judges can also ensure that teen parents are not forced to sign a voluntary placement agreement. The agreement can have dire consequences for a young mom in care who wishes to keep her baby after emancipation² Foster teen moms often may need a chance to "catch their breath" after their baby's birth. The alternative of temporary foster care is available through the state and

¹ National Center for State Courts' Knowledge and Information Services.

² <http://www.jrplaw.org/Documents/Teens%20Aging%20Out%20of%20Foster%20Care%20in%20Oregon.pdf>

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APPLICABLE STATE LAW

The U.S. Supreme Court has long recognized that a parent has a constitutionally protected fundamental right to raise his or her children. Maryland courts have re-iterated this principle recently and stated that a parent's interest "occupies a unique place in our legal culture, given the centrality of family life as the focus for personal meaning and responsibility. '[Far] more precious ... than property rights,' parental rights have been deemed to be among those 'essential to the orderly pursuit of happiness by free men....' " *In re Karl H.*, 906 A.2d 898 (Md. 2006)(Termination of parental rights proceedings are initiated only when the prima facie presumption that a child's welfare will be best served in the care and custody of its parents is overcome by a showing that the natural parent is unfit to have custody, or exceptional circumstances make parental custody detrimental to the best interests of the child.)

In *In re Adoption/Guardianship of Rashawn* H. 402 Md. 477 (Md. 2007) County social services filed a petition to terminate the mother's parental rights to two of her four children. The Circuit Court granted the petition and the mother appealed. The Court of Special Appeals affirmed. Mother appealed again. The Court of Appeals held that: (1) the record supported the finding that the department provided the mother with adequate assistance in obtaining suitable housing prior to seeking termination of her parental rights; (2) the department properly refused to return children to mother after children had been found to be children in need of assistance (CINA); however (3) the trial court's failure to relate its findings as to the statutory factors to the presumption favoring a continuation of the parental relationship or to any exceptional circumstance that would suffice to rebut that presumption required order terminating parental rights to be vacated and case remanded for further proceedings. The court announced that to justify a termination of parental rights judgment, the focus must be on the continued parental relationship, not custody, and the facts must demonstrate an unfitness to have a continued parental relationship with the child, or "exceptional circumstances" that would make a continued parental relationship detrimental to the best interest of the child. Md.Code, Family Law, § 5-313.

The court in [In re Adoption/Guardianship of Victor A., 2005 WL 831593](#) (Md. 2005) highlights a presumption in the teen mom's favor when it announces that in termination of parental rights proceedings where the state has intervened through the exercise of its generally recognized power to protect the child by reason of the natural parent's unfitness, the standard is based upon the best interests of the child, and there is a strong presumption in favor of maintaining parental rights to serve the child's best interests. *Id.*

RESOURCES

Department of Human Resources

311 West Saratoga Street Baltimore, MD 21201

800-332-6347

<http://www.dhr.state.md.us/>

Legal Services

Legal Aid Bureau Inc.

500 East Lexington Street Baltimore, MD 21202

410-539-5340

www.mdlab.org

Community Law Center --The Pro Bono Project

2500 Maryland Avenue Baltimore, MD 21218-4510

General Phone: 410-366-0922

Fax: 410-366-7763

Intake Phone: 410-366-0922

Web Site: <http://www.communitylaw.org>

Teen Parents and the Law (TPAL) program is based on a national teen court curriculum and serves to teach teen parents life skills through the prism of civic education. The intensive program takes place over a number of weeks and covers topics such as landlord-tenant law, consumer protection, child custody, child abuse and neglect, domestic violence, voter registration, and state mandatory education requirements. The program is designed to teach teen parents the skills to be effective parents and self-advocates. In April 2005, the Administrative Office of the Courts held a 'train the trainers' program on the TPAL curriculum for Family Court staff members. Ten Family Courts were supplied curriculum materials and are either implementing the program or are in the planning stages of implementation.⁶

⁶ <http://www.abanet.org/abanet/child/statesum/allstate.cfm?v=2005>

Transitional or Independent Living Programs

St. Ann's Infant and Mothers' Home

4901 Eastern Avenue Hyattsville, MD 20782

Phone: (301) 559-5500

State Independent Living Coordinator

Maryland Department of Human Services

311 West Saratoga Street 5th Floor, Room 571 Baltimore, MD 21201

Phone: (410) 767-7634

Fax: (410) 333-0127

Baltimore City Healthy Start

610 N. Chester St. Baltimore, MD

(410) 396-9401

Baltimore County Department of Social Services - Young Parent Support Center

201 Back River Neck Road (Middleborough Shopping Plaza) Baltimore, MD 21221

Phone: (410) 853-3860

Provides comprehensive support to young parents, parenting education and skills classes such as ABE and GED, employment readiness and career exploration programs, life skills, and health education.

Baltimore County Department of Social Services - Services to Pregnant and Parenting Adolescents

6401 York Road Baltimore, MD 21212

Phone: (410) 853-3000

Comprehensive counseling and referral services to adolescent parents or pregnant adolescent (under 21). Referrals made for medical care, parenting education; adoption counseling. Pregnancy prevention groups for teens, community education to teens & parents of teens on adolescent sexuality.

Florence Crittenton Services of Baltimore, Inc.

3110 Crittenton Place Baltimore, MD 21211

Phone: (410) 366-4333

Programs for pregnant and parenting adolescent girls. Pregnancy and childbirth classes, parenting preparation classes, prenatal care, parenting and independent living education, and an accredited school program offered.

GBMC Community Health Center

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1017 E. Baltimore St. Baltimore, MD 21202
Phone: (410) 522-6575

Highland Town Community Health Center

3509 Eastern Avenue Baltimore, MD 21224
Phone: (410) 558-4800

Greater Baltimore Crisis Pregnancy Center

2418 St. Paul Street Baltimore MD 21218-5118
Phone: (410) 243-6823

(410) 243-6555 (24 hr. answering service)

(410) 243-6699 (Business office) Teen moms should call for other locations

Free pregnancy testing, offers alternatives to abortion, provides help finding a doctor, help with medical assistance sign-up, post abortion stress counseling. Also offers parenting and life skills classes and abstinence education to public and private schools.

The Healthy Teens and Young Adults Project

1374 West North Avenue Baltimore, MD 21215
Phone: (410) 396-0353

In Baltimore City and Prince George's County, it is a project designed to provide a new, nontraditional approach to teen health. Comprehensive care, including sports physicals as well as pregnancy testing and birth control counseling are offered. Most services are free or low cost. One unique aspect is the availability of teen volunteers who help out with general support and information for other teens. Males are not only welcome, they are encouraged to take an active part in all aspects of education, counseling and care.

Johns Hopkins Adolescent Clinic

600 N. Wolfe Street, Park 3 Baltimore, Maryland 21205
Phone: (410) 955-2865

Provides comprehensive adolescent sexual health services

Johns Hopkins Adolescent Program/Maternity & Women's Health Center East

503 N. Chester St. Baltimore, MD 21205
Phone: (410) 955-5000

Provides total interdisciplinary prenatal care to pregnant adolescents who enter before age 18. Staff also provides education classes and social workers to assist teen patients.

Southeast Teen Center

3301 Eastern Ave. Baltimore, MD
Phone: (301) 327-1045

The Pregnancy Center Inc.

1327 Dillon Heights Ave. Catonsville, MD 21228
Hotline: (800) 492-5530
Phone: (410) 744-8961

Teen Parents Component

25 N. Caroline St. Baltimore, MD
Phone: (410) 342-7554

Teen pregnancy prevention program including therapeutic counseling, can serve up to 30 teens.

University of Maryland Adolescent and Young Adult Center

120 Penn Street Baltimore, MD
Phone: (410) 706-0717

The AYAC offers continuing primary, and specialty care to young people ages 12-24. Specialties include HIV treatment and case management, family planning services and a variety of reproductive health programs. For more information call (410) 328-TEEN.

Young People's Health Connection

1314 W. North Ave. Baltimore, Maryland 21217
Phone: (410) 396-0353

Dr. Roland Patterson Senior Academy Clinic

4701 Greenspring Avenue Baltimore, MD 21209
Phone: (410) 396-0670

Patterson Senior High clinic

100 Kane St. Baltimore, MD 21224
Phone: (410) 396-5763

School Based Clinic - Lake Clifton Senior High School

2801 St. Lo Dr. Baltimore, MD 21213
Phone: (410) 396-6252

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Southern Senior High School Clinic

1100 Covington St. Baltimore, MD 21230

Phone: (410) 396-3894

Southwestern Senior High School Clinic

200 Font Hill Avenue Baltimore, MD 21223

Phone: (410) 396-0046

Hannah's Cupboard - Affiliated with the Baltimore Crisis Pregnancy Center

Hotline: (410) 243-6555

Religious organization can assist with formula, diapers, clothing and other baby supplies. Please note that this organization is anti-abortion and pro-marriage and will express these views during counseling.

Women, Infants, and Children Program

Phone: (800) 242-4942

Assists families by providing healthy foods and nutrition counseling to pregnant women, new mothers, breastfeeding women, infants, and children under 5 years of age.

Healthy Start

610 N. Chester St. Baltimore, MD 21205

Phone: (410) 675-2125

Provides help with baby supplies. *Only available if already enrolled in the program

St. Michael's Outreach Center

Provides baby formula, diapers, and food upon call-in requests.

1922 E. Lombard St. Baltimore, MD

Phone: (410) 732-2176

YUHIP – Baltimore's Online Community for Teens

http://www.yuhip.org/y_sw.html

The Youth Urban Health Information Project (YUHIP) is a under the umbrella of the Adolescent and Young Adult Center at the University of Maryland.

Mother-baby Residential Facilities

Birthright of Annapolis

613 Ridgely Ave. Annapolis, MD 21403

Phone: (800) 550-4900

Florence Crittenton Services of Baltimore, Inc.

3110 Crittenton Place Baltimore, MD 21211

Phone: (410) 366-4333

Programs for pregnant and parenting adolescent girls. Pregnancy and childbirth classes, parenting preparation classes, prenatal care, parenting and independent living education, and an accredited school program offered.

Pregnancy Center West

6400 B Frederick St. Baltimore, MD 21228

Phone: (410) 778-4433

Substance Abuse Health & Treatment Resources

PSI Family Services

8401 Connecticut Avenue Ste. 450 Chevy Chase, Maryland 20815

1-888-558-5952

Fax: 301-951-0390

psichevychase@psifamilyservices.com

Parkview Center

7104 Ambassador Road Suite 260 Baltimore, Maryland 21244

1-800-286-8672

Fax: 410-277-0229

psibaltimore@psifamilyservices.com

The Mid-Atlantic Network of Youth & Family Services

135 Cumberland Road Suite 201 Pittsburgh, PA 15237

Phone: 412.366.6562

Fax: 412.366.5407

Email: many@manynet.org

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Childcare Assistance

Healthy Start

610 N. Chester Street Baltimore, MD 21205

Phone: (410) 675-2125

1622 N. Carey Street Baltimore, MD 21217

Phone: (410) 728-7539

Provides home visits and case management for pregnant and early postpartum moms, coordinates prenatal and pediatric care, meets emergency needs of families, provided by trained members of the community.

PSI Family Services

8401 Connecticut Avenue SUITE 450 Chevy Chase, Maryland 20815

1-888-558-5952

Fax: 301-951-0390

psichevychase@psifamilyservices.com

Laurence G. Paquin School for Pregnant Teenagers

821 NE Eutaw St. Baltimore, MD 21212

Phone: (410) 225-2000

In cooperation with Maryland General Hospital, the school offers a full range of teen pregnancy services before, during, and after the pregnancy.

TANF (Temporary Aid to Needy Families) Funds

FIP (Family Investment Program)

Family Investment Administration

Maryland Department of Human Resources

Saratoga State Center

311 West Saratoga Street RM 741 Baltimore, MD 21201

Phone: (410) 767-7338

FAX: (410) 333-6699

TANF is time-limited public assistance payments made to poor families, based on Title IV-A of the Social Security Act. The program provides parents with job preparation, work, and support services to help them become self-sufficient.

TANF/AFS (Adult and Family Services) or other

TANF legislation includes two rules specific to minor parents (parents under age 18). One rule requires that minor parents live in an approved arrangement, usually with their parents. The other rule requires that minor parents typically participate in education leading to a high school diploma or GED.

The living arrangement requirement to receive TANF says that a state is prohibited from spending federal TANF funds on assistance to an unmarried, minor, custodial parent unless she lives with a parent, legal guardian or other adult relative or is approved for an exception. The law recognizes limited exceptions to this rule including situations in which a parent, legal guardian, or other adult relative is not available or when such a placement could result in harm to the minor parent and/or her child. When residing with a parent, legal guardian or other adult relative is inappropriate, the state must "provide, or assist the individual in locating, a second chance home, maternity home, or other appropriate adult-supervised setting." Alternatively, the state may determine that a teen parent's independent living arrangement is appropriate and that it is in the "best interest" of her child to make an exception to the general rule.⁷

Maryland Women's and Children's Health Insurance Program

1-800-456-8900

Call to find closest enrollment site; this program entitles all children under the age of 19 and pregnant women, not otherwise covered, to health insurance.

Maryland Children's Health Program, Baltimore County Department of Health

8501 LaSalle Road, Suite 103Towson, Maryland 21286

Phone: (410) 887-2957

This program gives free and low cost health care to children and pregnant women with low to average incomes. Covered services include in-patient hospital care, medical doctor visits, lab tests, dental and eye care, medications and immunizations.

⁷ <http://www.spdp.org/reprexpl.htm#mla>