



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

Purpose

This document provides information to Local Departments of Social Services (LDSS) regarding laws effective October 1, 2024, addressing parental substance use disorder (SUD) treatment facilities and Children in Need of Assistance (CINA). It also highlights available Maryland SUD resources, including residential treatment programs offering beds and services for children.

What You Need to Know

[House Bill 0833](#) - titled Parents in Substance Use Disorder Treatment - Children in Need of Assistance and Treatment Facilities amended the following statutes: Courts and Judicial Proceedings Article § 3-815 and § 3-818, Family Article § 5-525, and Health Article § 8-401. The amendments enacted by the Maryland General Assembly took effect on October 1, 2024.

Courts and Judicial Proceedings Article § 3-815 and § 3-818

This legislation supports families dealing with substance use disorders by establishing a presumption that keeping a child with a parent undergoing residential treatment is in the child's best interest.

- **Summary of § 3–815**

Section § 3–815 governs when a child may be placed in emergency shelter care. Maryland law recognizes when a parent participates in a SUD residential treatment program-with beds and services for children*- it is in the child's best interest to remain with the parent for the duration of the parent's treatment. In such cases, there is no presumed emergency justifying removal.

- **Summary of § 3–818**

Under preexisting law beds and Under preexisting law, a newborn's substance exposure combined with a parent's refusal or failure to complete treatment created a presumption of neglect. The amendment adds a counter-presumption: if the parent is in a qualified SUD treatment program with beds and services for children, and the child remains with the parent during treatment, the law presumes the child is receiving proper care.

Health Article § 8-401

Aims to foster the development of family-based treatment facilities for SUD across both public and private settings.

Family Law Article § 5-525

When reasonable efforts to reunify a child with a parent participating in a SUD residential treatment program that provides beds and services for children, are determined to be inconsistent with the child's permanency plan, and the LDSS modifies the plan to remove reunification, the LDSS must file a report to the court. This report must document the LDSS's efforts to place the child with the parent in this program type, and provide a clear explanation of why placement did not occur, including the efforts made and any barriers encountered.

** In Maryland, residential substance use disorder (SUD) treatment programs with beds and services for children are available for individuals requiring Level 3 SUD services, specifying services for women with their children. These programs are licensed by the Secretary or designee, which authorizes a behavioral health provider to operate in the state. For more information, see the SUD Information & Resources.*

An Important Note for the LDSS and Child Residential Treatment Providers

- When the Local Department of Social Services (LDSS) determines that a child faces an immediate safety concern or substantial risk of harm in a residential program, the LDSS may petition for shelter placement. The shelter petition must clearly explain the specific safety concerns and the nature of the risk to the child. This may include situations where a parent leaves the program against clinical recommendations or fails to follow an LDSS-approved safety or service plan.
- SUD residential programs may be asked to provide documentation to the LDSS, with appropriate releases of information. This documentation may include a letter for the court explaining the reason for non-admission of a child and parent to a residential treatment program.
- SUD residential programs may see an increase in referrals from child welfare as a result.



SUD Information & Resources



- Assistance with identifying SUD services including programs with beds and services for children in Maryland:
 - For Medicaid, contact 1-800-888-1965 or visit [Maryland Department of Health](#) webpage
 - For private insurance, contact your insurance provider's customer service.
- Types of treatment for SUD, visit Substance Abuse and Mental Health Services (SAMHSA) website: [Types of SUD and Mental Health Treatment](#)



Maryland Department of Health's Maternal & Child Health Bureau, Gender Specific Services

This division provides technical guidance and oversight for residential treatment and transitional services for pregnant women and women with children. Several Maryland residential programs with beds and services for children—listed below—are designated as approved Pregnant and Parenting Women (PPW) programs.

Click [here](#) for specific details on the PPW Program and Referral process

Anne Arundel County

- [Chrysalis House](#)

Baltimore City

- [MD Community Health Initiative Penn-North](#)

Cecil County

- [Brantwood Family Services](#)

Frederick County

- [Safe Harbor](#)

Montgomery County

- [Avery House for Women and Children](#)



Disclaimer: This document provides a partial overview of Maryland's Courts and Judicial Proceedings Article § 3-815 and § 3-818, Family Article § 5-525, and Health Article § 8-401. It is not intended to serve as legal advice or guidance. For specific legal questions or interpretations, please consult legal counsel.