

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE
Revised

House Bill 277

(Chair, Judiciary Committee)(By Request - Maryland
Judicial Conference)

Judiciary

Judicial Proceedings

Children in Need of Assistance - Review Hearings

This bill requires the juvenile court to conduct a hearing to review the status of each child under its jurisdiction within six months after the filing of the first child in need of assistance (CINA) petition and at least every six months thereafter.

Fiscal Summary

State Effect: The Judiciary can handle the bill's requirements using existing resources. In addition, the bill may help protect Title IV-E funding by ensuring that Maryland law conforms to federal guidelines.

Local Effect: The circuit courts can handle any additional hearings using existing resources.

Small Business Effect: None.

Analysis

Bill Summary: At the review hearing, the court must (1) evaluate the safety of the child; (2) determine the continuing necessity for and appropriateness of any out-of-home placement; (3) determine the appropriateness of and extent of compliance with the case plan for the child; (4) determine the extent of progress that has been made toward alleviating or mitigating the causes necessitating the court's jurisdiction; and (5) project a reasonable date by which the child may be returned to and safely maintained in the home or placed for adoption or under a legal guardianship.

If a permanency plan for the child has been determined, a permanency plan review hearing conducted by the court satisfies the bill's requirements.

Current Law: A CINA is a child who requires court intervention because (1) the child has been abused or neglected or has a developmental disability or a mental disorder and (2) the child's parents, guardian, or custodian are unable or unwilling to provide proper care and attention to the child. Once a petition alleging that a child is a CINA is filed, the juvenile court must hold an adjudicatory hearing to determine whether the allegations in the petition, other than the allegation that the child requires the court's intervention, are true. A disposition hearing is also required to determine whether the child is a CINA and, if so, the nature of the court's intervention to protect the child's health, safety, and well-being. If the court determines that a child is a CINA, it must either not change the child's custody status or commit the child on terms the court deems appropriate to the custody of a parent, a relative or other individual, or a local department or the Department of Health and Mental Hygiene, or both.

No later than 11 months after a CINA enters an out-of-home placement, the juvenile court must hold a permanency planning hearing to determine a permanency plan for the child. The court must also hold a permanency planning hearing within 30 days after the court finds that a local department's reasonable efforts to reunify a child with the child's parents or guardian are not required based on a finding that the child was subjected to chronic abuse, chronic and life-threatening neglect, sexual abuse, or torture, or that the parent has been convicted of a crime of violence or involuntarily lost parental rights, as specified in statute.

Except as otherwise provided, the court must conduct a hearing to review the permanency plan at least every six months until the commitment is rescinded or a voluntary placement is terminated. After the court determines that the child must be continued in an out-of-home placement with a specific caregiver who agrees to care for the child permanently, the court must conduct a review hearing every 12 months. A court must terminate a case after the court grants custody and guardianship of the child to a relative or other individual, unless the court finds good cause not to terminate the case. If the court does find such cause, the court must then conduct a review hearing every 12 months until the case is terminated.

Background: Federal law requires a review hearing in CINA cases at least every six months after a child has entered foster care. A child is considered to have entered foster care on the earlier of the date of the first judicial finding that the child has been subjected to child abuse or neglect or the date that is 60 days after the date on which the child is removed from the home. This bill is intended to conform to those federal requirements.

Additional Information

Prior Introductions: None.

Cross File: SB 264 (Chair, Judicial Proceedings Committee)(By Request - Maryland Judicial Conference) - Judicial Proceedings.

Information Source(s): Department of Human Resources, Judiciary (Administrative Office of the Courts), Department of Legislative Services

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