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§3–819.2.

(a) (1) In this section, "disability" means:

(i) A physical disability, infirmity, malformation, or disfigurement that is caused by bodily injury, birth defect, or illness, including epilepsy;

(ii) A mental impairment or deficiency;

(iii) A record of having a physical or mental impairment as defined under this subsection; or

(iv) Being regarded as having a physical or mental impairment as defined under this subsection.

(2) "Disability" includes:

(i) Any degree of paralysis or amputation;

(ii) Blindness or visual impairment;

(iii) Deafness or hearing impairment;

(iv) Muteness or speech impediment;

(v) Physical reliance on a service animal or a wheelchair or other remedial appliance or device; and

(vi) Intellectual disability, as defined in § 7–101 of the Health – General Article, and any other mental impairment or deficiency that may have necessitated remedial or special education and related services.

(b) Subject to subsection (f) of this section, the court may grant custody and guardianship to a relative or a nonrelative under this subtitle.

(c) An order granting custody and guardianship to an individual under this section terminates the local department's legal obligations and responsibilities to the child.

(d) A guardian appointed under this subtitle has legal custody of the child unless the court that appoints the guardian gives legal custody to another person.

(e) After granting custody and guardianship to an individual under this section, the court may order any further reviews that the court determines to be in the child's best interests, consistent with § 3–823(h)(1)(iii) of this subtitle.

(f) (1) Before granting custody and guardianship under this section, the court shall consider:

(i) Any assurance by the local department that it will provide funds for necessary support and maintenance for the child;

(ii) All factors necessary to determine the best interests of the child; and

(iii) A report by a local department or a licensed child placement agency, completed in compliance with regulations adopted by the Department of Human Resources, on the suitability of the individual to be the guardian of the child.

(2) The report under paragraph (1)(iii) of this subsection shall include a:

(i) Home study;

(ii) Child protective services history;

(iii) Criminal history records check; and

(iv) Review of the proposed guardian's physical and mental health history.

(3) If the local department has not produced the report described in paragraph (1)(iii) of this subsection within 120 days after the date that the court issued the order to the local department to produce the report, the court shall:

(i) Hold an immediate hearing to determine the causes of the delay;

(ii) State on the record the determined causes of the delay; and

(iii) Make a determination as to whether the progress of the local department is acceptable.

(4) Following the hearing required under paragraph (3) of this subsection, the court shall:

(i) Grant the local department an extension of no more than 90 days; or

(ii) Order production of the report by a licensed child placement agency, within a reasonable time and order the local department to bear the cost.

(g) In determining whether to grant custody and guardianship to a relative or a nonrelative under this section, a disability of the relative or nonrelative is relevant only to the extent that the court finds, based on evidence in the record, that the disability affects the best interest of the child.

(h) A court may not enter an order granting custody and guardianship under this section until the report under subsection (f)(1)(iii) of this section is submitted to and considered by the court.

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