

Article - Family Law

[Previous][Next]

§5-324.

(a) In a separate order accompanying an order denying guardianship of a child, a juvenile court shall include:

(1) a specific factual finding on whether reasonable efforts have been made to finalize the child's permanency plan;

(2) any order under Title 3, Subtitle 8 of the Courts Article in the child's best interests; and

(3) a date, no later than 180 days after the date of the order, for the next review hearing under Title 3, Subtitle 8 of the Courts Article.

(b) (1) In a separate order accompanying an order granting guardianship of a child, a juvenile court:

(i) shall include a directive terminating the child's CINA case;

(ii) consistent with the child's best interests:

1. may place the child:

A. subject to paragraph (2) of this subsection, in a specific type of facility; or

B. with a specific individual;

2. may direct provision of services by a local department to:

A. the child; or

B. the child's caregiver;

3. subject to a local department retaining legal guardianship, may award to a caregiver limited authority to make an emergency or ordinary decision as to the child's care, education, mental or physical health, or welfare;

4. may allow access to a medical or other record of the child;

5. may allow visitation for the child with a specific individual;

6. may appoint, or continue the appointment of, a court-appointed special advocate for any purpose set forth under § 3-830 of the Courts Article;

7. shall direct the provision of any other service or taking of any other action as to the child's education, health, and welfare, including:

A. for a child who is at least 16 years old, services needed to help the child's transition from guardianship to independence; or

B. for a child with a disability, services to obtain ongoing care, if any, needed after the guardianship case ends; and

8. may co-commit the child to the custody of the Department of Health and Mental Hygiene and order the Department of Health and Mental Hygiene to provide a plan for the child of clinically appropriate services in the least restrictive setting, in accordance with federal and State law;

(iii) if entered under § 5-322 of this subtitle, shall state each party's response to the petition;

(iv) shall state a specific factual finding on whether reasonable efforts have been made to finalize the child's permanency plan;

(v) shall state whether the child's parent has waived the right to notice; and

(vi) shall set a date, no later than 180 days after the date of the order, for the initial guardianship review hearing under § 5-326 of this subtitle.

(2) (i) Except for emergency commitment in accordance with § 10-617 of the Health - General Article or as expressly authorized by a juvenile court in accordance with the standards in § 3-819(h) or (i) of the Courts Article, a child may not be committed or otherwise placed for inpatient care or treatment in a psychiatric facility or a facility for the developmentally disabled.

(ii) A juvenile court shall include in a commitment order under this paragraph a requirement that the guardian:

1. file a progress report with the juvenile court at least every 180 days; and

2. provide a copy of each report to each person entitled to notice of a review hearing under § 5-326 of this subtitle.

(iii) Every 180 days during a commitment or placement under this paragraph, a juvenile court shall hold a hearing to determine whether the standards in § 3-819(h) or (i) of the Courts Article continue to be met.

(c) A juvenile court shall send a copy of an order entered under this section to:

(1) each party or, if represented, counsel;

- (2) each of the child's living parents who has not waived the right to notice;
- (3) each living parent's last attorney of record in the CINA case; and
- (4) the child's last attorney of record in the CINA case.

[\[Previous\]](#)[\[Next\]](#)