## **HOUSE BILL 192**

CF SB 360 By: Chair, Judiciary Committee (By Request - Maryland Judicial Conference) Introduced and read first time: January 21, 2016 Assigned to: Judiciary Committee Report: Favorable House action: Adopted Read second time: February 16, 2016 CHAPTER AN ACT concerning Juvenile Causes - Permanency Plans - Age Restrictions on Use of Another **Planned Permanent Living Arrangement** FOR the purpose of providing that another planned permanent living arrangement may be a child's permanency plan only if the child is at least a certain age; and generally relating to permanency plans for the out-of-home placement of children. BY repealing and reenacting, with amendments, Article – Courts and Judicial Proceedings Section 3–823(e) Annotated Code of Maryland (2013 Replacement Volume and 2015 Supplement) BY repealing and reenacting, with amendments, Article - Family Law Section 5-326(a) and 5-525(f) Annotated Code of Maryland (2012 Replacement Volume and 2015 Supplement) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

## EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates amendments to bill.

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3-823.

Strike out indicates matter stricken from the bill by amendment or deleted from the law by amendment.

**Article – Courts and Judicial Proceedings** 

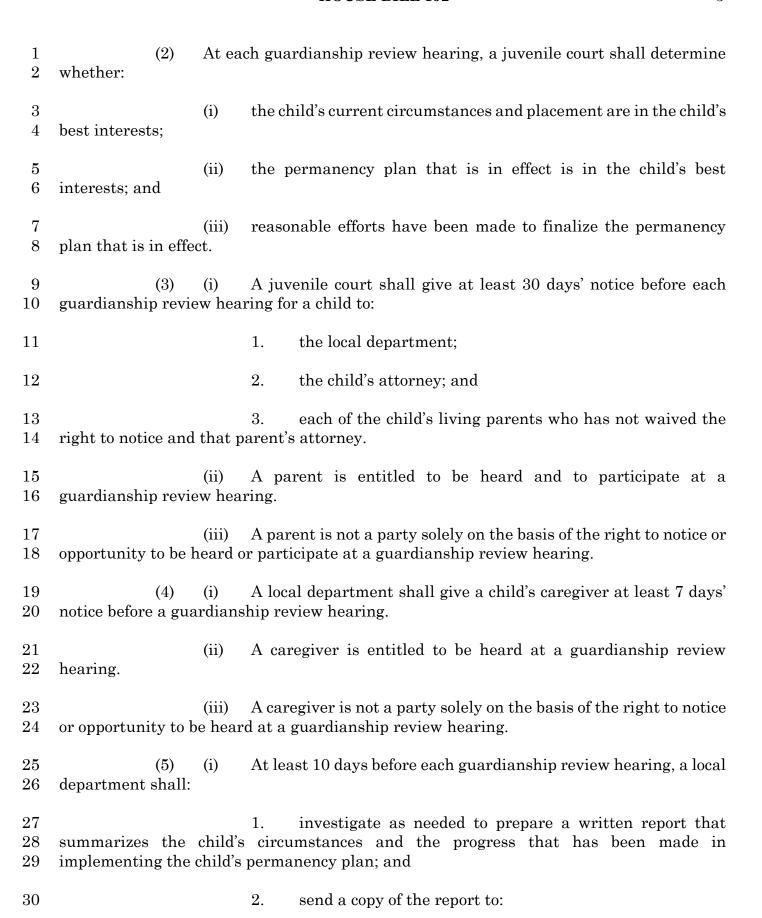


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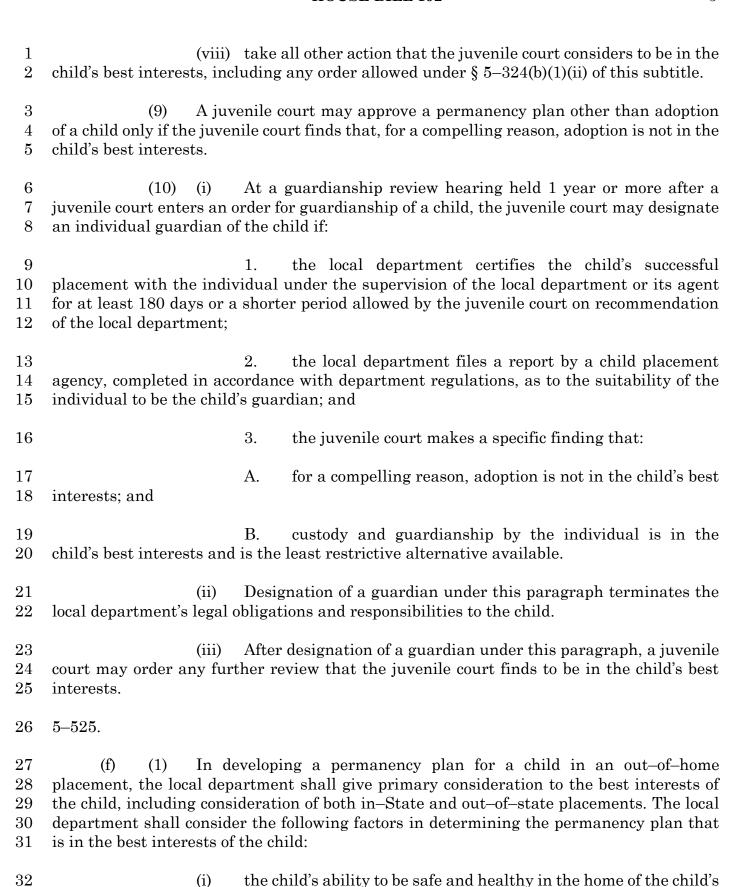
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1	(e) (1) At a permanency planning hearing, the court shall:
2 3	(i) Determine the child's permanency plan, which, to the extent consistent with the best interests of the child, may be, in descending order of priority:
4	1. Reunification with the parent or guardian;
5	2. Placement with a relative for:
6	A. Adoption; or
7	B. Custody and guardianship under § 3–819.2 of this subtitle;
8	3. Adoption by a nonrelative;
9 10	$4.$ Custody and guardianship by a nonrelative under $\S$ 3–819.2 of this subtitle; or
11 12	5. [Another] FOR A CHILD AT LEAST 16 YEARS OLD, ANOTHER planned permanent living arrangement that:
13 14 15	A. Addresses the individualized needs of the child, including the child's educational plan, emotional stability, physical placement, and socialization needs; and
16 17	B. Includes goals that promote the continuity of relations with individuals who will fill a lasting and significant role in the child's life; and
18 19 20	(ii) For a child who has attained the age of 16 years, determine the services needed to assist the child to make the transition from placement to independent living.
21 22	(2) In determining the child's permanency plan, the court shall consider the factors specified in $\S$ 5–525(f)(1) of the Family Law Article.
23	Article – Family Law
24	5–326.
25	(a) (1) A juvenile court shall hold:
26 27	(i) an initial guardianship review hearing as scheduled under $ 5-324(b)(1)(vi) $ of this subtitle to establish a permanency plan for the child; and
28	(ii) at least once each year after the initial guardianship review

hearing until the juvenile court's jurisdiction terminates, a guardianship review hearing.



1			A.	the child's attorney; and	
2 3	B. each of the child's living parents who has not waived the right to notice and that parent's attorney.				
4 5	parent's last addre	(ii) ess kno		e to a parent under this paragraph shall be sent to the the juvenile court.	
6	(6)	A chi	ld's pe	rmanency plan may be, in order of priority:	
7		(i)	adopt	ion of the child;	
8		(ii)	custo	dy and guardianship of the child by an individual; or	
9 10	permanent living	(iii) arrang		A CHILD AT LEAST 16 YEARS OLD, another planned that:	
11 12 13	the child's educat	ional <sub>l</sub>	1. olan, e	addresses the individualized needs of the child, including motional stability, physical placement, and socialization	
14 15					
16 17	(7) within 1 year.	Every	reaso	nable effort shall be made to implement a permanency plan	
18	(8)	At ea	ch gua	rdianship review hearing for a child, a juvenile court shall:	
19		(i)	evalu	ate the child's safety and act as needed to protect the child;	
20 21	review board requ	(ii) ired ur		der the written report of a local out-of-home placement 5-545 of this title;	
22		(iii)	deter	mine the extent of compliance with the permanency plan;	
23 24	have been made to	(iv) o finali		a specific factual finding on whether reasonable efforts child's permanency plan and document the finding;	
25 26	permanency plan	(v) if a cha	•	ct to subsection (b) of this section, change the child's buld be in the child's best interests;	
27 28	finalized;	(vi)	proje	et a reasonable date by which the permanency plan will be	
29 30	implement the per	(vii) rmaner		any order that the juvenile court finds appropriate to n; and	



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parent;

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- 1 the child's attachment and emotional ties to the child's natural (ii) 2 parents and siblings; 3 (iii) the child's emotional attachment to the child's current caregiver 4 and the caregiver's family; the length of time the child has resided with the current 5 (iv) 6 caregiver; 7 the potential emotional, developmental, and educational harm to (v) the child if moved from the child's current placement; and 8 9 the potential harm to the child by remaining in State custody for an excessive period of time. 10 11 To the extent consistent with the best interests of the child in an 12 out-of-home placement, the local department shall consider the following permanency 13 plans, in descending order of priority: 14 returning the child to the child's parent or guardian, unless the local department is the guardian; 15 16 placing the child with relatives to whom adoption, custody and (ii) guardianship, or care and custody, in descending order of priority, are planned to be 17 18 granted; 19 (iii) adoption in the following descending order of priority: 20 by a current foster parent with whom the child has resided continually for at least the 12 months prior to developing the permanency plan or for a 2122sufficient length of time to have established positive relationships and family ties; or 23 2.by another approved adoptive family; or 24FOR A CHILD AT LEAST 16 YEARS OLD, another planned (iv) 25 permanent living arrangement that: 26 addresses the individualized needs of the child, including 27 the child's educational plan, emotional stability, physical placement, and socialization needs: and 28 29 includes goals that promote the continuity of relations
- 31 (3) Subject to paragraphs (1) and (2) of this subsection and to the extent 32 consistent with the best interests of a child in an out-of-home placement, in determining

with individuals who will fill a lasting and significant role in the child's life.

$\frac{1}{2}$	a permanency plan, the local department shall consider the following in descending order of priority:				
3 4	(i) placement of the child in the local jurisdiction where the child's parent or guardian resides; or				
5 6 7	(ii) if the local department finds, based on a compelling reason, that placement of the child as described in item (i) of this paragraph is not in the best interest of the child, placement of the child in another jurisdiction in the State after considering:				
8 9	1. the availability of resources to provide necessary services to the child;				
10	2. the accessibility to family treatment, if appropriate; and				
11	3. the effect on the local school system.				
12 13	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.				
	Approved:				
	Governor.				
	Speaker of the House of Delegates.				
	President of the Senate.				