D4 6lr1959 CF 6lr1957

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

Introduced and read first time: January 21, 2016

Assigned to: Judiciary

## A BILL ENTITLED

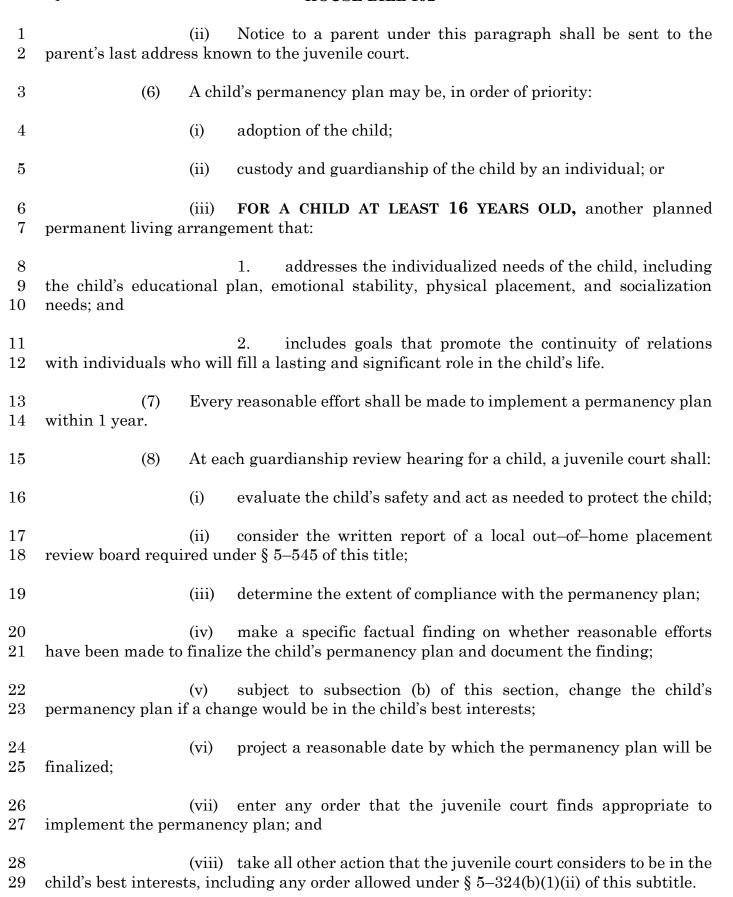
1	AN ACT concerning				
2 3	·				
4 5 6	a child's permanency plan only if the child is at least a certain age; and generally				
7 8 9 10 11	BY repealing and reenacting, with amendments, Article – Courts and Judicial Proceedings Section 3–823(e) Annotated Code of Maryland (2013 Replacement Volume and 2015 Supplement)				
12 13 14 15 16	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)				
17 18	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:				
19	Article - Courts and Judicial Proceedings				
20	3–823.				
21	(e) (1) At a permanency planning hearing, the court shall:				
22 23	(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:				

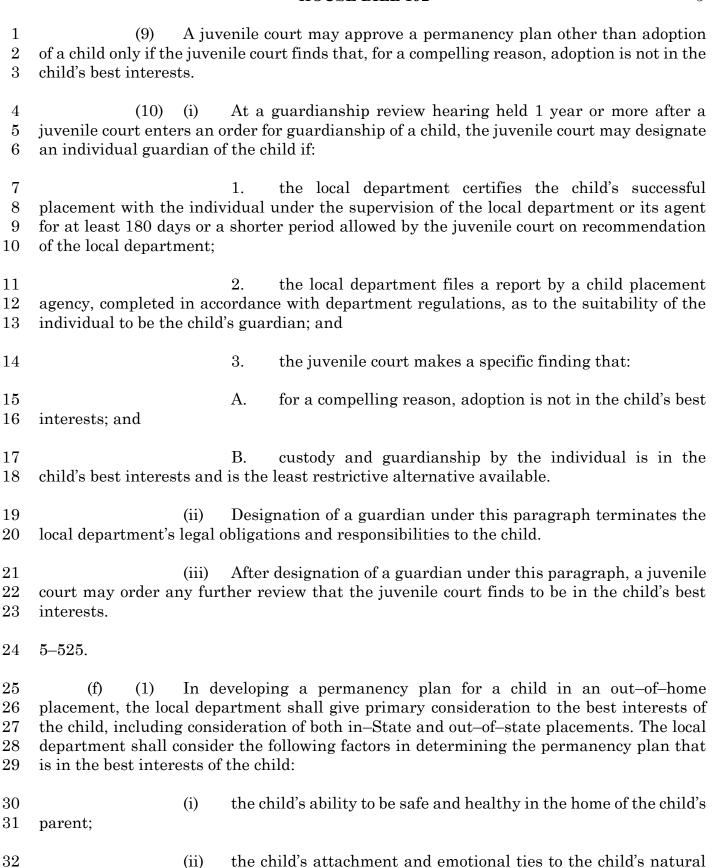


## **HOUSE BILL 192**

1	1. Reunification with the parent or guardian;
2	2. Placement with a relative for:
3	A. Adoption; or
4	B. Custody and guardianship under § 3–819.2 of this subtitle
5	3. Adoption by a nonrelative;
6 7	4. Custody and guardianship by a nonrelative under § 3–819.2 of this subtitle; or
8 9	5. [Another] FOR A CHILD AT LEAST 16 YEARS OLD ANOTHER planned permanent living arrangement that:
10 11 12	A. Addresses the individualized needs of the child, including the child's educational plan, emotional stability, physical placement, and socialization needs; and
13 14	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
15 16 17	(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.
18 19	(2) In determining the child's permanency plan, the court shall consider the factors specified in § 5–525(f)(1) of the Family Law Article.
20	Article – Family Law
21	5–326.
22	(a) (1) A juvenile court shall hold:
23 24	(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
25 26	(ii) at least once each year after the initial guardianship review hearing until the juvenile court's jurisdiction terminates, a guardianship review hearing.
27 28	(2) At each guardianship review hearing, a juvenile court shall determine whether:
29 30	(i) the child's current circumstances and placement are in the child's best interests;

$\frac{1}{2}$	interests; and	(ii)	the permanency plan that is in effect is in the child's best
3 4	plan that is in effe	(iii) ct.	reasonable efforts have been made to finalize the permanency
5 6	(3) guardianship revie	(i) ew hea	A juvenile court shall give at least 30 days' notice before each ring for a child to:
7			1. the local department;
8			2. the child's attorney; and
9 10	right to notice and	that p	3. each of the child's living parents who has not waived the parent's attorney.
11 12	guardianship revie	(ii) ew hea	A parent is entitled to be heard and to participate at a ring.
13 14	opportunity to be l	(iii) neard (	A parent is not a party solely on the basis of the right to notice or participate at a guardianship review hearing.
15 16	(4) notice before a gua	(i) ardians	A local department shall give a child's caregiver at least 7 days' ship review hearing.
17 18	hearing.	(ii)	A caregiver is entitled to be heard at a guardianship review
19 20	or opportunity to k	(iii) e hear	A caregiver is not a party solely on the basis of the right to notice d at a guardianship review hearing.
21 22	(5) department shall:	(i)	At least 10 days before each guardianship review hearing, a local
23 24 25			1. investigate as needed to prepare a written report that s circumstances and the progress that has been made in permanency plan; and
26			2. send a copy of the report to:
27			A. the child's attorney; and
28 29	right to notice and	that p	B. each of the child's living parents who has not waived the parent's attorney.





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parents and siblings:

- 1 the child's emotional attachment to the child's current caregiver 2 and the caregiver's family; 3 (iv) the length of time the child has resided with the current 4 caregiver; 5 (v) the potential emotional, developmental, and educational harm to the child if moved from the child's current placement; and 6 7 the potential harm to the child by remaining in State custody for 8 an excessive period of time. 9 To the extent consistent with the best interests of the child in an 10 out-of-home placement, the local department shall consider the following permanency plans, in descending order of priority: 11 12 returning the child to the child's parent or guardian, unless the (i) 13 local department is the guardian; 14 placing the child with relatives to whom adoption, custody and guardianship, or care and custody, in descending order of priority, are planned to be 15 16 granted; 17 (iii) adoption in the following descending order of priority: 18 by a current foster parent with whom the child has resided 19 continually for at least the 12 months prior to developing the permanency plan or for a 20 sufficient length of time to have established positive relationships and family ties; or 212. by another approved adoptive family; or 22 FOR A CHILD AT LEAST 16 YEARS OLD, another planned 23 permanent living arrangement that: 24addresses the individualized needs of the child, including 1. the child's educational plan, emotional stability, physical placement, and socialization 25 26 needs; and 27 2.includes goals that promote the continuity of relations with individuals who will fill a lasting and significant role in the child's life. 28 29 Subject to paragraphs (1) and (2) of this subsection and to the extent
- consistent with the best interests of a child in an out—of—home placement, in determining a permanency plan, the local department shall consider the following in descending order of priority:

$\frac{1}{2}$	(i) placement of the child in the local jurisdiction where the child's parent or guardian resides; or
3 4 5	(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:
6 7	1. the availability of resources to provide necessary services to the child;
8	2. the accessibility to family treatment, if appropriate; and
9	3. the effect on the local school system.
10	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

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October 1, 2016.