SENATE BILL 360

D4 (6lr1957)

ENROLLED BILL

— Judicial Proceedings/Judiciary —

Introduced by Chair, Judicial Proceedings Committee (By Request - Maryland Judicial Conference)

Read and Ex	xamined by Proofreaders:
	Proofreader.
	Proofreader.
Sealed with the Great Seal and pr	resented to the Governor, for his approval this
day of a	t o'clock,M.
	President.
CH	IAPTER
AN ACT concerning	
	ans – Age <u>Age</u> Restrictions on Use of Another anent Living Arrangement
a child's permanency plan only i	ther planned permanent living arrangement may be f the child is at least a certain age; requiring a local
permanency planning hearings	to document certain efforts and steps at certain , certain permanency plan review hearings, and
-	arings, under certain circumstances; and generally c the out–of–home placement of children.
BY repealing and reenacting, with ame Article – Courts and Judicial Pro- Section 3–823(e) and (h) Annotated Code of Maryland	·

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

Italics indicate opposite chamber/conference committee amendments.

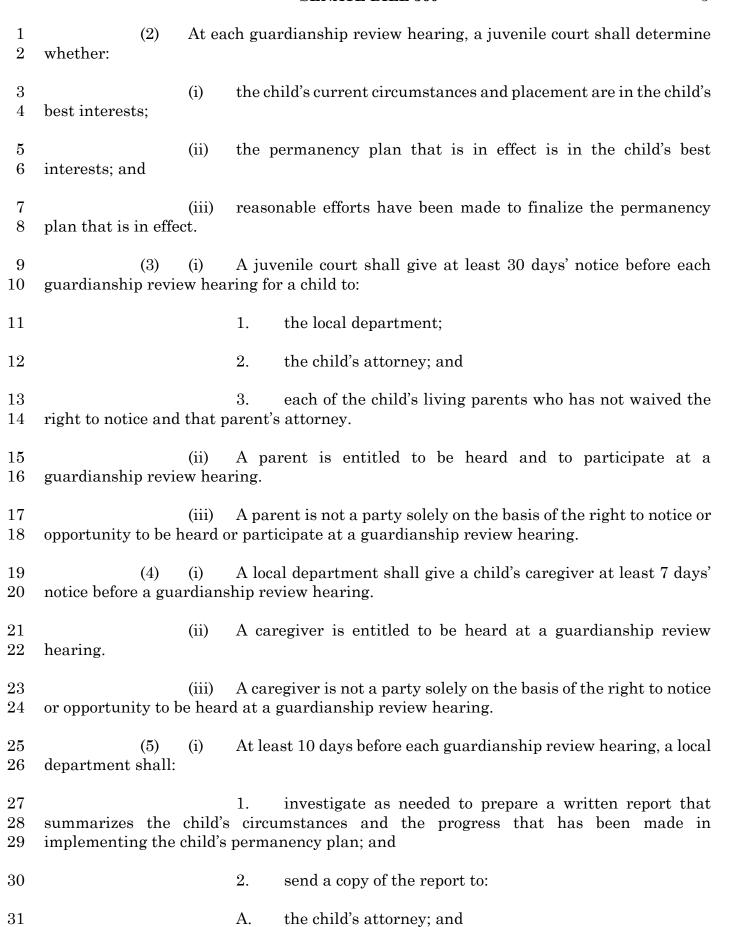


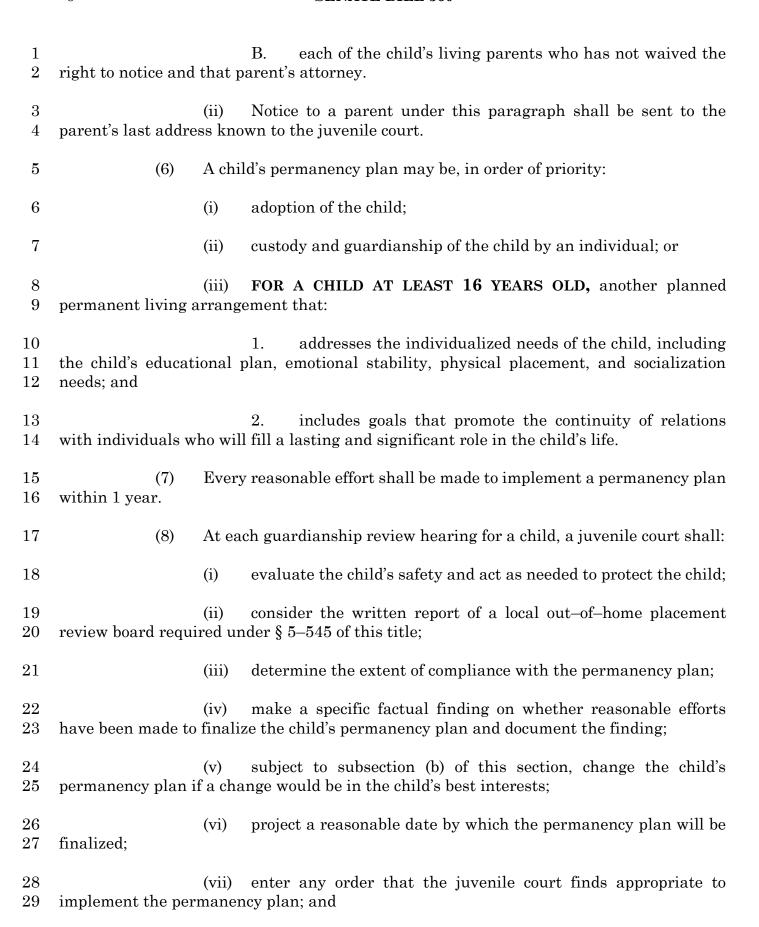
SENATE BILL 360

1	(2013 Replacement Volume and 2015 Supplement)
2 3 4 5 6	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)
7 8	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
9	Article - Courts and Judicial Proceedings
0	3–823.
1	(e) (1) At a permanency planning hearing, the court shall:
12 13	(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;
19 20	4. Custody and guardianship by a nonrelative under § 3–819.2 of this subtitle; or
21 22	5. [Another] FOR A CHILD AT LEAST 16 YEARS OLD, ANOTHER planned permanent living arrangement that:
23 24 25	A. Addresses the individualized needs of the child, including the child's educational plan, emotional stability, physical placement, and socialization needs; and
26 27	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
28 29	(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

$\frac{1}{2}$	(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.
3 4 5 6	(3) AT A PERMANENCY PLANNING HEARING FOR A CHILD WHOSE RECOMMENDED PERMANENCY PLAN IS ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT THAT MEETS THE REQUIREMENTS OF PARAGRAPH (1)(I)5 OF THIS SUBSECTION, THE LOCAL DEPARTMENT SHALL DOCUMENT:
7 8 9	(I) THE ONGOING EFFORTS TO PLACE THE CHILD PERMANENTLY WITH A PARENT OR RELATIVE OR IN A GUARDIANSHIP OR AN ADOPTIVE PLACEMENT; AND
10 11	(II) THE STEPS THAT THE LOCAL DEPARTMENT IS TAKING TO ENSURE THAT:
12 13	1. THE CHILD'S RESOURCE PROVIDER IS FOLLOWING THE REASONABLE AND PRUDENT PARENT STANDARD; AND
14 15	2. THE CHILD HAS REGULAR OPPORTUNITIES TO ENGAGE IN AGE OR DEVELOPMENTALLY APPROPRIATE ACTIVITIES.
16 17 18	(h) (1) (i) Except as provided in subparagraphs (ii) and (iii) of this paragraph, the court shall conduct a hearing to review the permanency plan at least every 6 months until commitment is rescinded or a voluntary placement is terminated.
19 20 21	(ii) The court shall conduct a review hearing every 12 months after the court determines that the child shall be continued in out-of-home placement with a specific caregiver who agrees to care for the child on a permanent basis.
22 23 24	(iii) <u>1.</u> <u>Unless the court finds good cause, a case shall be terminated after the court grants custody and guardianship of the child to a relative or other individual.</u>
25 26	2. <u>If the court finds good cause not to terminate a case, the court shall conduct a review hearing every 12 months until the case is terminated.</u>
27 28	3. The court may not conclude a review hearing under subsubparagraph 2 of this subparagraph unless the court has seen the child in person.
29	(2) At the review hearing, the court shall:
30 31	(i) Determine the continuing necessity for and appropriateness of the commitment:
32 33	(ii) Determine and document in its order whether reasonable efforts have been made to finalize the permanency plan that is in effect;

$\frac{1}{2}$	(iii) Determine the extent of progress that has been made toward alleviating or mitigating the causes necessitating commitment;
3 4	(iv) Project a reasonable date by which a child in placement may be returned home, placed in a preadoptive home, or placed under a legal guardianship;
5 6	(v) Evaluate the safety of the child and take necessary measures to protect the child; and
7 8	(vi) Change the permanency plan if a change in the permanency plan would be in the child's best interest.
9 10 11 12	(3) AT EACH REVIEW HEARING FOR A CHILD WHOSE PERMANENCY PLAN IS ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT THAT MEETS THE REQUIREMENTS OF SUBSECTION (E)(1)(I)5 OF THIS SECTION, THE LOCAL DEPARTMENT SHALL DOCUMENT:
13 14 15	(I) THE ONGOING EFFORTS TO PLACE THE CHILD PERMANENTLY WITH A PARENT OR RELATIVE OR IN A GUARDIANSHIP OR AN ADOPTIVE PLACEMENT; AND
16 17	(II) THE STEPS THAT THE LOCAL DEPARTMENT IS TAKING TO ENSURE THAT:
18 19	1. THE CHILD'S RESOURCE PROVIDER IS FOLLOWING THE REASONABLE AND PRUDENT PARENT STANDARD; AND
20 21	2. THE CHILD HAS REGULAR OPPORTUNITIES TO ENGAGE IN AGE OR DEVELOPMENTALLY APPROPRIATE ACTIVITIES.
22 23	[(3)] (4) Every reasonable effort shall be made to effectuate a permanent placement for the child within 24 months after the date of initial placement.
24	Article – Family Law
25	5–326.
26	(a) (1) A juvenile court shall hold:
27 28	(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
29 30	(ii) at least once each year after the initial guardianship review hearing until the juvenile court's jurisdiction terminates, a guardianship review hearing.





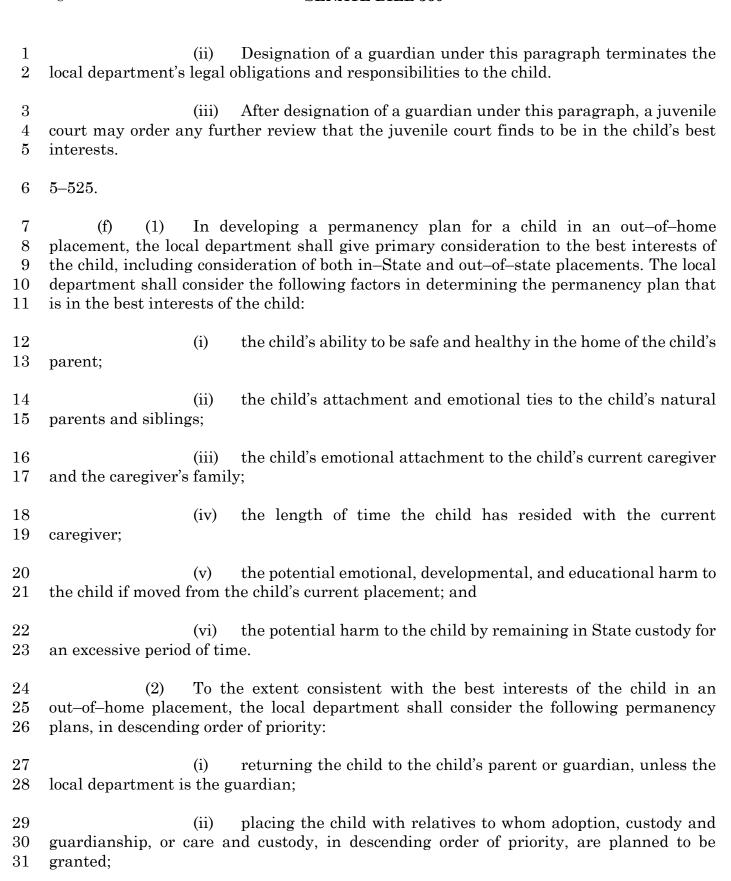
$\frac{1}{2}$	(viii) take all other action that the juvenile court considers to be in the child's best interests, including any order allowed under $\S 5-324(b)(1)(ii)$ of this subtitle.
3 4	(9) AT EACH GUARDIANSHIP REVIEW HEARING FOR A CHILD WHOSE PERMANENCY PLAN IS ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT
5	THAT MEETS THE REQUIREMENTS OF PARAGRAPH (6)(III) OF THIS SUBSECTION, THE
6	LOCAL DEPARTMENT SHALL DOCUMENT:
7	(1) THE ONGOING EFFORTS TO PLACE THE CHILD
8	DEDMANENTLY WITH A DADENT OD DELATIVE OD IN A CHADDIANCHID OD AN
9	ADODTIVE DI ACEMENT, AND
9	ADOPTIVE PLACEMENT; AND
10 11	(II) THE STEPS THAT THE LOCAL DEPARTMENT IS TAKING TO ENSURE THAT:
12 13	1. THE CHILD'S RESOURCE PROVIDER IS FOLLOWING THE REASONABLE AND PRUDENT PARENT STANDARD; AND
14 15	2. THE CHILD HAS REGULAR OPPORTUNITIES TO ENGAGE IN AGE OR DEVELOPMENTALLY APPROPRIATE ACTIVITIES.
16 17 18	(9) (10) (9) A juvenile court may approve a permanency plan other than adoption of a child only if the juvenile court finds that, for a compelling reason, adoption is not in the child's best interests.
19 20 21	(10) (11) (10) (i) At a guardianship review hearing held 1 year or more after a juvenile court enters an order for guardianship of a child, the juvenile court may designate an individual guardian of the child if:
22 23 24 25	1. the local department certifies the child's successful placement with the individual under the supervision of the local department or its agent for at least 180 days or a shorter period allowed by the juvenile court on recommendation of the local department;
26 27 28	2. the local department files a report by a child placement agency, completed in accordance with department regulations, as to the suitability of the individual to be the child's guardian; and
29	3. the juvenile court makes a specific finding that:
30 31	A. for a compelling reason, adoption is not in the child's best interests; and
32	B. custody and guardianship by the individual is in the

child's best interests and is the least restrictive alternative available.

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(iii)



adoption in the following descending order of priority:

1 2 3	1. 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 sufficient length of time to have established positive relationships and family ties; or
4	2. by another approved adoptive family; or
5 6	(iv) FOR A CHILD AT LEAST 16 YEARS OLD, another planned permanent living arrangement that:
7 8 9	1. addresses the individualized needs of the child, including the child's educational plan, emotional stability, physical placement, and socialization needs; and
10 11	2. includes goals that promote the continuity of relations with individuals who will fill a lasting and significant role in the child's life.
12 13 14 15	(3) 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:
16 17	(i) placement of the child in the local jurisdiction where the child's parent or guardian resides; or
18 19 20	(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:
21 22	1. the availability of resources to provide necessary services to the child;
23	2. the accessibility to family treatment, if appropriate; and
24	3. the effect on the local school system.
25 26	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.