

SENATE BILL 732

D4, O4

9lr1784
CF HB 1283

By: Senators Zucker, Feldman, Carozza, Guzzone, Peters, and Serafini ~~Serafini~~,
West, Washington, Waldstreicher, Cassilly, Lee, Smith, Zirkin, Hough,
Carter, Ready, and Hester

Introduced and read first time: February 4, 2019
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 13, 2019

CHAPTER _____

1 AN ACT concerning

2 **Child in Need of Assistance – Guardianship by Local Department – ~~ABLE~~**
3 **Financial Accounts**

4 FOR the purpose of ~~authorizing~~ requiring a court to issue a certain order on request of a
5 local department of social services that has been granted certain guardianship over
6 a child in need of assistance to have control over the property of the child for the
7 purpose of establishing a certain ~~ABLE account~~ account or trust on behalf of the
8 child; requiring an order authorizing a local department of social services to have
9 control of the property of the child for the purpose of establishing a certain account
10 or trust on behalf of the child to include certain provisions; and generally relating to
11 children in need of assistance and the establishment of ABLE accounts.

12 BY repealing and reenacting, without amendments,
13 Article – Courts and Judicial Proceedings
14 Section 3–801(f), (g), and (p), 3–802(c), and 3–819(b)(1)(iii) and (c)(1)
15 Annotated Code of Maryland
16 (2013 Replacement Volume and 2018 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Courts and Judicial Proceedings
19 Section 3–819(g)
20 Annotated Code of Maryland
21 (2013 Replacement Volume and 2018 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

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



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
2 That the Laws of Maryland read as follows:

3 **Article – Courts and Judicial Proceedings**

4 3–801.

5 (f) “Child in need of assistance” means a child who requires court intervention
6 because:

7 (1) The child has been abused, has been neglected, has a developmental
8 disability, or has a mental disorder; and

9 (2) The child’s parents, guardian, or custodian are unable or unwilling to
10 give proper care and attention to the child and the child’s needs.

11 (g) “CINA” means a child in need of assistance.

12 (p) “Local department” means:

13 (1) The local department of social services for the county in which the court
14 is located; or

15 (2) In Montgomery County, the county department of health and human
16 services.

17 3–802.

18 (c) (1) In all judicial proceedings conducted in accordance with this subtitle or
19 § 5–326 of the Family Law Article, the court may direct the local department to provide
20 services to a child, the child’s family, or the child’s caregiver to the extent that the local
21 department is authorized under State law.

22 (2) The court shall exercise the authority described in paragraph (1) of this
23 subsection to protect and advance a child’s best interests.

24 3–819.

25 (b) (1) In making a disposition on a CINA petition under this subtitle, the
26 court shall:

27 (iii) Subject to paragraph (2) of this subsection, find that the child is
28 in need of assistance and:

29 1. Not change the child’s custody status; or

1 3. A POOLED SPECIAL NEEDS TRUST UNDER § 14.5-1002
2 OF THE ESTATES AND TRUSTS ARTICLE.

3 (II) AN ORDER AUTHORIZING A LOCAL DEPARTMENT TO
4 ESTABLISH AN ACCOUNT OR A TRUST AS THE GUARDIAN OF A CHILD UNDER
5 SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL:

6 1. REQUIRE THAT FUNDS DEPOSITED TO ESTABLISH AN
7 ABLE ACCOUNT UNDER SUBPARAGRAPH (I)2 OF THIS PARAGRAPH BE IN AN
8 FDIC-INSURED PORTFOLIO OPTION THAT MOST MINIMIZES THE RISK OF CAPITAL
9 LOSS;

10 2. PROHIBIT THE LOCAL DEPARTMENT FROM
11 WITHDRAWING FUNDS FROM ANY ACCOUNT OR TRUST ESTABLISHED UNDER THE
12 ORDER; AND

13 3. REQUIRE THE LOCAL DEPARTMENT TO PROVIDE
14 PROMPT NOTICE TO A FINANCIAL INSTITUTION, INCLUDING CONTACT INFORMATION
15 FOR THE CHILD OR SUBSEQUENT GUARDIAN OF THE CHILD, OF THE TERMINATION
16 OF THE GUARDIANSHIP UNDER THIS SUBTITLE OR TITLE 5, SUBTITLE 3 OF THE
17 FAMILY LAW ARTICLE.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2019.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.