

SENATE BILL 708

D4

4lr2960
CF HB 1499

By: **Chair, Judicial Proceedings Committee (By Request – Departmental)**

Introduced and read first time: January 31, 2024

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 2, 2024

CHAPTER _____

1 AN ACT concerning

2 **Family Law – Kinship Care**

3 FOR the purpose of altering the definition of relative to mean an individual who is a kinship
4 caregiver for purposes of provisions of law relating to children in need of assistance;
5 altering provisions of law relating to the kinship care program in the Department of
6 Human Services and certain procedures for the placement of children in need of
7 out-of-home placement; and generally relating to kinship care.

8 BY repealing and reenacting, without amendments,

9 Article – Courts and Judicial Proceedings

10 Section 3–801(a)

11 Annotated Code of Maryland

12 (2020 Replacement Volume and 2023 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Courts and Judicial Proceedings

15 Section 3–801(x)

16 Annotated Code of Maryland

17 (2020 Replacement Volume and 2023 Supplement)

18 BY repealing and reenacting, without amendments,

19 Article – Family Law

20 Section 1–101(h)

21 Annotated Code of Maryland

22 (2019 Replacement Volume and 2023 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 BY repealing and reenacting, with amendments,
 2 Article – Family Law
 3 Section 5–534
 4 Annotated Code of Maryland
 5 (2019 Replacement Volume and 2023 Supplement)

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

8 **Article – Courts and Judicial Proceedings**

9 3–801.

10 (a) In this subtitle, the following words have the meanings indicated.

11 (x) “Relative” means an individual who is A KINSHIP CAREGIVER, AS DEFINED
 12 IN § 5–534 OF THE FAMILY LAW ARTICLE[:

13 (1) Related to the child by blood or marriage within five degrees of
 14 consanguinity or affinity under the civil law; and

15 (2) (i) At least 21 years old; or

16 (ii) 1. At least 18 years old; and

17 2. Lives with a spouse who is at least 21 years old].

18 **Article – Family Law**

19 1–101.

20 (h) “Local department” means:

21 (1) a local department of social services; or

22 (2) in Montgomery County, the county department of health and human
 23 services.

24 5–534.

25 (a) (1) In this section [the following words have the meanings indicated.

26 (2) “Kinship], “KINSHIP caregiver” means an individual:

1 (i) with whom a child who is in the care, custody, or guardianship of
2 the local department may be placed for temporary or long-term care other than adoption;
3 and

4 (ii) who is approved by the local department under subsection (e) of
5 this section.

6 **(2) "KINSHIP CAREGIVER" INCLUDES:**

7 **(I) A KINSHIP PARENT;**

8 **(II) AN INDIVIDUAL WHO IS RELATED TO THE CHILD THROUGH**
9 **BLOOD OR MARRIAGE, ADOPTION, TRIBAL LAW OR CUSTOM, OR CULTURAL CUSTOM**
10 **OR PRACTICE; AND**

11 **(III) AN INDIVIDUAL WHO IS UNRELATED TO THE CHILD BUT HAS**
12 **A STRONG FAMILIAL OR OTHER SIGNIFICANT BOND WITH THE CHILD, OR IS A**
13 **PERSON IDENTIFIED BY THE CHILD'S PARENT.**

14 [(3) "Kinship parent" means an individual who is related by blood or
15 marriage within five degrees of consanguinity or affinity under the civil law rule to a child
16 who is in the care, custody, or guardianship of the local department and with whom the
17 child may be placed for temporary or long-term care other than adoption.]

18 (b) The [Administration] **SECRETARY OF HUMAN SERVICES** shall establish
19 **AND MAINTAIN** a kinship care program.

20 (c) (1) In selecting a placement that is in the best interests of a child in need
21 of out-of-home placement, [the local department shall, as a first priority, attempt to place
22 the child with a kinship parent] **IN THE ABSENCE OF GOOD CAUSE TO THE CONTRARY,**
23 **THE LOCAL DEPARTMENT SHALL GIVE PREFERENCE TO PLACEMENT WITH A**
24 **KINSHIP CAREGIVER.**

25 (2) The local department shall exhaust all reasonable resources to **MAKE**
26 **PROACTIVE, THOROUGH, AND TIMELY EFFORTS TO** locate a kinship [parent]
27 **CAREGIVER** for initial placement of the child.

28 (3) If [no kinship parent is located] **THE LOCAL DEPARTMENT CANNOT**
29 **LOCATE A KINSHIP CAREGIVER** at the time of the initial placement, **THEN PREFERENCE**
30 **SHALL BE GIVEN TO A PLACEMENT THAT MOST APPROXIMATES A FAMILY IN WHICH**
31 **THE CHILD'S SPECIAL NEEDS, IF ANY, MAY BE MET, TAKING INTO ACCOUNT THE**
32 **FOLLOWING:**

1 (i) [except as provided in item (ii) of this paragraph, the child shall
2 be placed in a foster care setting; or] **THE PROXIMITY OF THE PLACEMENT TO THE**
3 **CHILD’S HOME, EXTENDED FAMILY, OR SIBLINGS;**

4 (ii) [as an alternative to foster care, the local department may place
5 the child for initial placement with a kinship caregiver] **THE CHILD’S CULTURE OR**
6 **LANGUAGE CONTINUITY;**

7 **(III) THE CHILD’S AGE; AND**

8 **(IV) THE CHILD’S DEVELOPMENTAL AND EDUCATIONAL NEEDS.**

9 (4) If [a kinship parent or] a kinship caregiver is located subsequent to the
10 placement of a child in a foster care setting, the local department [may] **SHALL**, [if it is] in
11 the best interest of the child, place the child with the [kinship parent or] kinship caregiver.

12 (d) [(1)] A kinship [parent] **CAREGIVER** may not be under the age of 18 years.

13 [(2)] A kinship caregiver may not be under the age of 21 years.]

14 (e) (1) The local department [may] **SHALL** approve an individual as a kinship
15 caregiver [only] if:

16 (i) the individual is related to the child [by] **THROUGH** blood or
17 marriage [beyond five degrees of consanguinity or affinity under the civil law or rule or is
18 a close family friend of the child or the child’s family], **ADOPTION, TRIBAL LAW OR**
19 **CUSTOM, OR CULTURAL CUSTOM OR PRACTICE;**

20 (ii) the individual has a strong familial or other significant bond to
21 the child or the child’s family **OR IS A PERSON IDENTIFIED BY THE CHILD’S PARENT;**
22 **AND**

23 [(iii) the individual has maintained regular contact with the child or
24 the child’s family sufficient to demonstrate strong familiarity with the child’s activities and
25 daily needs; and

26 (iv)] **(III)** placement with the individual is in the child’s best
27 interest.

28 (2) A prospective kinship caregiver shall [submit] **PROVIDE** to the local
29 department [an affidavit that includes specific facts] **ANY INFORMATION THE LOCAL**
30 **DEPARTMENT REQUESTS** to enable the local department to determine whether the
31 individual meets the criteria specified in paragraph (1) of this subsection.

1 (f) The Administration shall adopt regulations [to implement this section that
2 are consistent with the provisions of this section] **AND POLICIES CONSISTENT WITH THIS**
3 **SECTION.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2024.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.