

DATE: March 11, 2020

BILL NUMBER: SB585

COMMITTEE: Judicial Proceedings

BILL TITLE: Family Law - Children in Out-of-Home Placements - Mandatory Concurrent Planning

DHS POSITION: Letter of Information

The Department of Human Services (the Department) respectfully offers this letter of information regarding Senate Bill 585 (SB 585). SB 585 would alter the requirements of Family Law Article §5-525 to mandate that the reasonable efforts to place a child for adoption or with a legal guardian shall be made concurrently for all children in out of home placements.

The National Resource Center for Foster Care and Permanency Planning defines concurrent planning as: *“a process of working towards reunification while at the same time establishing an alternative or contingency back-up plan concurrent rather than sequential planning efforts to more quickly move children from the uncertainty of foster care, to the security of a safe and stable permanent family.”*

The Adoption and Safe Families Act of 1997 supports the concept of concurrency on several levels, but stops short of mandating concurrent planning in all situations. The law does not require a state to engage in concurrent planning during the period in which the agency is working to reunite a family. However it does specify that reasonable efforts to place a child for adoption or with a legal guardian *may* be made concurrently with reasonable efforts to reunite the family (42 U.S.C. 671 (a) (1 5) (F):1997).

ASFA encourages the use of concurrent planning—with good supervision, training and applied on a case-by-case basis. Further, for children who have been in foster care for 15 of the most recent 22 months, ASFA requires the state to file a petition to terminate the parental rights when certain exceptions do not exist. A state must concurrently identify, recruit, process, and approve a qualified family for an adoption when it files or joins a petition to terminate parental rights.

Reunification with the child’s parent or legal guardian is always the desired outcome within the first 15 months. However, there are instances where reunification may not be appropriate. Current law and policy allows for a waiver of reunification in cases of abuse, torture, crimes of violence, abandonment, involuntary termination of parental rights of a sibling child, or nonconsensual guardianship cases.

While the Department believes concurrent planning is absolutely best practice, the law must provide flexibility in the permanency planning process, if reunification is not in the best interest of the child.

The Department is grateful for the opportunity to share this information. We hope the Committee finds it valuable, and that it is considered during Committee deliberations.