

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 585
Family Law – Children in Out-of-Home Placements – Mandatory
Concurrent Planning
DATE: February 5, 2020
(3/11)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 585. This bill amends § 5-525 Family Law Article to state that reasonable efforts to place a child for adoption or with a legal guardian shall (rather than may) be made concurrently with the reasonable efforts required by FL § 5-525(e)(1).

The Judiciary traditionally opposes mandatory provisions, as it is important for the judges to have discretion to weigh the individual facts and circumstances of a particular case. The local department of social services is already required to seek and explore family members, and the results of those efforts would be considered by the court. However, the court should have the discretion to determine what permanency plan is in the child's best interest. In some cases, such as those in which reunification is likely, the efforts towards adoption or legal guardianship would be frivolous.

cc. Hon. Jeff Waldstreicher
Judicial Council
Legislative Committee
Kelley O'Connor