

**By: Delegate Preis**

Introduced and read first time: February 23, 1996

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 18, 1996

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Family Law - Child Placement Agency - Guardianship**

3 [TAG ftpt]FOR the purpose of ~~repealing a certain definition~~; authorizing a child placement agency  
4 to consent to ~~adoption, joint~~ guardianship, custody, or other long-term placement  
5 of a child under certain circumstances; authorizing a court to award joint  
6 guardianship, custody, or other long-term placement under certain circumstances;  
7 providing that if joint guardianships are awarded to a caregiver, the child placement  
8 agency shall retain guardianship with the right to consent to adoption or long-term  
9 care short of adoption; altering a provision that specifies a circumstance under  
10 which certain reports, notices, and hearings regarding long-term placement of a  
11 child will not be required; defining a certain term; and generally relating to child  
12 placement agencies and guardianship.

13 ~~BY~~ repealing

- 14 ~~Article - Family Law~~
- 15 ~~Section 5-301(e)~~
- 16 ~~Annotated Code of Maryland~~
- 17 ~~(1991 Replacement Volume and 1995 Supplement)~~

18 BY repealing and reenacting, with amendments,

- 19 Article - Family Law
- 20 Section 5-317(f) and 5-319(g)
- 21 Annotated Code of Maryland
- 22 (1991 Replacement Volume and 1995 Supplement)

23 BY repealing and reenacting, without amendments,

- 24 Article - Family Law

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1 Section ~~5-301(e) and~~ 5-319(f)  
2 Annotated Code of Maryland  
3 (1991 Replacement Volume and 1995 Supplement)

4 BY renumbering

5 Article - Family Law  
6 Section ~~5-301(f)~~ 5-301(g) through (i), respectively  
7 to be Section ~~5-301(e) through (h)~~ 5-301(h) through (j), respectively  
8 Annotated Code of Maryland  
9 (1991 Replacement Volume and 1995 Supplement)

10 BY adding to

11 Article - Family Law  
12 Section 5-301(g) and 5-317(g)  
13 Annotated Code of Maryland  
14 (1991 Replacement Volume and 1995 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
16 MARYLAND, That Section(s) 5-301(g) through (i), respectively, of Article - Family Law  
17 of the Annotated Code of Maryland be renumbered to be Section(s) 5-301(h) through (j),  
18 respectively.

19 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
20 read as follows:

21 **Article - Family Law**

22 5-301.

23 {(e) "Guardianship" means guardianship with the right to consent to adoption or  
24 long-term care short of adoption.}

25 (G) (1) "JOINT GUARDIANSHIP" MEANS LIMITED GUARDIANSHIP GRANTED  
26 TO A CAREGIVER UNDER § 5-317 OF THIS SUBTITLE.

27 (2) "JOINT GUARDIANSHIP" MAY INCLUDE THE AUTHORITY TO  
28 CONSENT TO MEDICAL CARE AND MAKE EDUCATIONAL AND OTHER DECISIONS FOR  
29 THE CHILD.

30 (3) "JOINT GUARDIANSHIP" DOES NOT INCLUDE THE AUTHORITY TO  
31 CONSENT TO ADOPTION OR LONG-TERM CARE SHORT OF ADOPTION.

32 5-317.

33 (f) A decree of guardianship:

34 (1) terminates the natural parents' rights, duties, and obligations toward the  
35 child;

36 (2) subject to § 5-319 of this subtitle, eliminates the need to give notice to  
37 the natural parents of the filing of a petition for adoption of the child; [and]

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1 (3) eliminates the need for a further consent by the natural parents to an  
2 adoption of the child; AND

3 (4) SUBJECT TO § 5-319 OF THIS SUBTITLE, AUTHORIZES THE CHILD  
4 PLACEMENT AGENCY TO CONSENT TO ~~ADOPTION, JOINT~~ GUARDIANSHIP, CUSTODY,  
5 OR OTHER LONG-TERM PLACEMENT THAT THE AGENCY ~~AND THE COURT, AFTER A~~  
6 ~~HEARING, DETERMINE~~ DETERMINES TO BE IN THE CHILD'S BEST INTEREST.

7 (G) (1) AFTER ANY INVESTIGATION AND HEARING THE COURT CONSIDERS  
8 NECESSARY, THE COURT MAY GRANT A DECREE AWARDING JOINT GUARDIANSHIP,  
9 CUSTODY, OR OTHER LONG-TERM PLACEMENT THAT THE COURT DETERMINES TO  
10 BE IN THE CHILD'S BEST INTEREST.

11 (2) IF JOINT GUARDIANSHIP IS AWARDED TO A CAREGIVER, THE CHILD  
12 PLACEMENT AGENCY SHALL RETAIN GUARDIANSHIP WITH THE RIGHT TO CONSENT  
13 TO ADOPTION OR LONG-TERM CARE SHORT OF ADOPTION.

14 5-319.

15 (f) On receipt of the guardian's report under subsection (b) of this section, and  
16 every 12 months thereafter, the court:

17 (1) shall hold a hearing to review the progress which has been made toward  
18 the child's adoption and to review whether the child's current placement and  
19 circumstances are in the child's best interest; and

20 (2) shall then take whatever action the court considers appropriate in the  
21 child's best interest.

22 (g) (1) Further reports, notices to the natural parents, and hearings are not  
23 required if the court determines after a hearing that it is in the best interest of the child  
24 to remain [in long-term foster care] with a specified family which agrees to the  
25 long-term placement.

26 (2) If the long-term [foster care] placement is subsequently changed, the  
27 child is entitled to annual hearings under subsection (f) of this section.

28 ~~SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 5-301(f)~~  
29 ~~through (i), respectively, of Article Family Law of the Annotated Code of Maryland be~~  
30 ~~renumbered to be Section(s) 5-301(e) through (h), respectively.~~

31 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
32 October 1, 1996.

