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(PRE-FILED)

CF 6lr2918

By: Senator Craig

Requested: July 13, 1995

Introduced and read first time: January 10, 1996

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 20, 1996

CHAPTER ____

1 AN ACT concerning

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

3 [TAG ftpo]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 guardianship is 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,

2

1 Article - Family Law
2 Section ~~5-301(e) and~~ 5-319(f)
3 Annotated Code of Maryland
4 (1991 Replacement Volume and 1995 Supplement)

5 BY renumbering

6 Article - Family Law
7 Section ~~5-301(f)~~ 5-301(g) through (i), respectively
8 to be Section ~~5-301(e) through (h)~~ 5-301(h) through (j), respectively
9 Annotated Code of Maryland
10 (1991 Replacement Volume and 1995 Supplement)

11 BY adding to

12 Article - Family Law
13 Section 5-301(g) and 5-317(g)
14 Annotated Code of Maryland
15 (1991 Replacement Volume and 1995 Supplement)

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

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

22 **Article - Family Law**

23 5-301.

24 ~~†(e) "Guardianship" means guardianship with the right to consent to adoption or~~
25 ~~long-term care short of adoption.†~~

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

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

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

33 5-317.

34 (f) A decree of guardianship:

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

3

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

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

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

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

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

16 5-319.

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

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

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

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

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

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

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

