

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL NO. 560

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after “Senator Baker” insert “, Senator Ruben (Montgomery County Administration), Senator Collins (Baltimore County Administration) and Senators Forehand, Kelley, Hoffman, Hogan, Roesser, Hollinger, Van Hollen, Dorman, Teitelbaum, Boozer, Bromwell, Della, Stone, Sfikas, McCabe, and Colburn”.

AMENDMENT NO. 2

On page 1, in line 3, after “of” insert “altering the purpose of certain provisions of law governing adoption and guardianship;”; in line 4, after “circumstances;” insert “altering the factors that a court is required to consider in determining whether it is in the best interest of a child to terminate a natural parent’s rights as to the child;”; and in line 19, after “circumstances;” insert “requiring local foster care review boards to review children in out-of-home placements in accordance with certain local plans; making certain conforming changes in certain provisions of law relating to foster care review boards;”.

On page 2, in line 3, after “Section” insert “5-303,”; and in the same line, after “5-525.1” insert “; and 5-539, 5-540, 5-541, 5-544, 5-545, 5-546, and 5-547, to be under the amended part “Part IV. Out-of-Home Placement Review Boards””.

AMENDMENT NO. 3

On page 3, after line 1, insert:

“5-303.

(a) The General Assembly finds that the policies and procedures of this subtitle that concern adoption are socially necessary and desirable.

(Over)

(b) The purposes of this subtitle are to:

(1) PROVIDE CHILDREN WITH STABLE HOMES THAT PROTECT THEIR SAFETY AND THEIR EMOTIONAL, PSYCHOLOGICAL, AND PHYSICAL HEALTH;

(2) protect[:

(1)] children from[:

(i)] unnecessary separation from their natural parents; [and

(ii)] (3) PERMIT adoption ONLY by individuals who are [unfit] FIT for the responsibility;

[(2)] (4) PROTECT natural parents from MAKING a hurried or ill-considered decision to give up a child; and

[(3)] (5) PROTECT adoptive parents:

(i) by providing them information about the child and the child's background; and

(ii) from a future disturbance of their relationship with the child by a natural parent.”.

#### AMENDMENT NO. 4

On page 4, in line 9, strike “consider” and substitute “GIVE”; after line 9, insert:

“(1) PARAMOUNT CONSIDERATION TO THE SAFETY AND THE EMOTIONAL, PSYCHOLOGICAL, AND PHYSICAL HEALTH OF THE CHILD; AND

(2) CONSIDERATION TO:”;

in lines 10, 12, 15, 18, 19, and 35, strike “(1)”, “(2)”, “(3)”, “(4)”, “(5)”, and “(6)”, respectively, and substitute “(I)”, “(II)”, “(III)”, “(IV)”, “(V)”, and “(VI)”, respectively; in lines 22, 26, 28, and 30, strike “(i)”, “(ii)”, “(iii)”, and “(iv)”, respectively, and substitute “1.”, “2.”, “3.”, and “4.”, respectively; and in line 19, before the first “the” insert “THE OUTCOME OF”.

AMENDMENT NO. 5

On page 5, strike in their entirety lines 24 and 25 and substitute:

“1. SUBJECTED THE CHILD TO:

A. TORTURE, CHRONIC ABUSE, OR SEXUAL ABUSE;

B. LIFE-THREATENING CIRCUMSTANCES; OR

C. INTRACTABLE NEGLECT NOT AMELIORATED BY THE  
PROVISION OF SERVICES;”;

in line 32, after “PARENT;” insert “OR”; and in line 35, strike “; OR” and substitute a period.

On page 6, strike in their entirety lines 1 and 2, inclusive.

On page 14, strike in their entirety lines 8 and 9 and substitute:

“(1) SUBJECTED THE CHILD TO:

(I) TORTURE, CHRONIC ABUSE, OR SEXUAL ABUSE;

(II) LIFE-THREATENING CIRCUMSTANCES; OR

(III) INTRACTABLE NEGLECT NOT AMELIORATED BY THE  
PROVISION OF SERVICES;”.

AMENDMENT NO. 6

On page 8, in line 18, strike “BY A CHILD PLACEMENT AGENCY”.

AMENDMENT NO. 7

On page 13, after line 36, insert:

(Over)

“Part IV. [Foster Care] OUT-OF-HOME PLACEMENT Review Boards.

5-539.

(a) (1) The State Board may adopt policies and procedures that:

(i) relate to the functions of the local boards; and

(ii) are consistent with the goals set forth in § 5-544 of this subtitle.

(2) If the Administration concurs, the State Board may establish categories of [foster care] children IN OUT-OF-HOME PLACEMENT for whom a satisfactory permanent placement has been made and who may be exempt from review by the local boards.

(b) The State Board shall:

(1) provide a training program for members of the local boards;

(2) review and coordinate the activities of the local boards;

(3) adopt policies and procedures that relate to reports and any other information that is required for any public or private agency or institution;

(4) make recommendations to the General Assembly that relate to [foster care] OUT-OF-HOME PLACEMENT policies and procedures; and

(5) subject to § 2-1246 of the State Government Article, report to the General Assembly on the first day of each year on the status of [foster care] children IN OUT-OF-HOME PLACEMENT in this State.

5-540.

(a) Except as provided in subsection (b) of this section, there shall be at least 1 local board of review [of foster care] for minor children IN OUT-OF-HOME PLACEMENT in each county.

(b) Instead of a local board in each county, 2 or more counties may agree to establish a single multicounty local board.

5-541.

(a) (1) A local board consists of 7 members appointed by the Governor.

(2) If a single multicounty local board is established for 2 or more counties, and if it is necessary that 1 or more of those counties have a greater number of members on the local board in order for the local board to have 7 members, the greater number of members shall be appointed from the counties that have the largest [foster care] OUT-OF-HOME PLACEMENT populations, in order of the size of the [foster care] OUT-OF-HOME PLACEMENT populations.

(b) (1) Each member of a local board shall be a resident of a county that is served by the local board.

(2) Each member of a local board shall:

(i) be a citizen who has demonstrated an interest in minor children through community service, professional experience, or similar activities; or

(ii) have a background in law, sociology, psychology, psychiatry, education, social work, or medicine.

(c) (1) The term of a member is 4 years.

(2) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(3) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(Over)

5-544.

The goals of each local board are:

(1) SUBJECT TO § 5-545 OF THIS SUBTITLE, as to minor children who have resided in [foster care] OUT-OF-HOME PLACEMENT under the jurisdiction of the local department for more than 6 months:

(i) to review the cases every 6 months to determine what efforts have been made to acquire permanent and stable placement for these children; and

(ii) to encourage and facilitate the return of each of these children to the child's parent or, on determining that return of a child to the child's parent is not in the best interests of the child, to encourage placement of the child with the child's relatives, provided the placement has legal status, or if neither measure is in the best interests of the child, to encourage efforts at adoption of the child;

(2) to encourage all possible efforts for permanent foster [care] PLACEMENT or guardianship for minor children for whom return to a parent or adoption is not feasible; and

(3) to report to the juvenile court on the status of efforts to secure permanent homes for minor children.

5-545.

(A) EACH LOCAL BOARD SHALL REVIEW CHILDREN IN OUT-OF-HOME PLACEMENT IN ACCORDANCE WITH LOCAL PLANS APPROVED BY THE STATE BOARD AND THE SECRETARY OF HUMAN RESOURCES.

[(a)] (B) Each local board shall report in writing to the juvenile court and the local department on each minor child whose case is reviewed by the local board.

[(b)] (C) In the report, the local board may recommend, as being in the best interest of the minor child:

(1) that the child be returned to the parent or legal guardian;

(2) that the child continue to be placed outside the home and that the present placement plan is appropriate to the child's needs;

(3) that the child continue to be placed outside the home, but that the present placement plan is inappropriate to the child's needs; or

(4) that proceedings be initiated to terminate the rights of the parent as to the child so that the child may be eligible for adoption.

5-546.

Each public or private agency or institution that provides or arranges [foster care] OUT-OF-HOME PLACEMENT for minor children under the jurisdiction of the local department shall give to the State Board and local boards any information that the boards [need] REQUEST to perform their duties.

5-547.

This Part IV of this subtitle [may]:

(1) MAY not be construed to restrict or alter the authority of any public or private agency or institution that deals with [foster care] OUT-OF-HOME PLACEMENT, adoption, or related matters; AND

(2) IS RELATED TO AND SHOULD BE READ IN RELATION TO §§ 5-524, 5-525, 5-525.1, AND 5-534 OF THIS SUBTITLE.”.

AMENDMENT NO. 8

On page 14, in line 26, after “FINDS” insert “BY CLEAR AND CONVINCING EVIDENCE”.

(Over)

AMENDMENT NO. 9

On page 15, in line 3, strike “12” and substitute “11”; in line 12, after “(2)” insert “FOR PURPOSES OF THIS SECTION AND § 5-525.1(B) OF THE FAMILY LAW ARTICLE.”; and in the same line, strike “ON THE DAY” and substitute “30 DAYS AFTER”.

AMENDMENT NO. 10

On page 17, in line 28, strike “AND”; and in line 30, after “INTEREST” insert “; AND”

(VI) EVALUATE THE SAFETY OF THE CHILD AND TAKE NECESSARY MEASURES TO PROTECT THE CHILD”.

AMENDMENT NO. 11

On page 18, in line 3, after “GIVE” insert “AT LEAST 7 DAYS”; and in the same line, strike “OF” and substitute “, IF PRACTICABLE, BEFORE”.

AMENDMENT NO. 12

On page 18, after line 23, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That any reference in the Annotated Code to “foster care review boards”, rendered obsolete by this Act, shall be corrected by the publisher of the Annotated Code in consultation with the Executive Director of Legislative Services, with no further action required by the General Assembly. The publisher of the Annotated Code shall adequately describe any such correction in an editor’s note following the section affected.”;

and in line 24, strike “4.” and substitute “5.”.