

HOUSE BILL 35

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1998 Regular Session
8r0013
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(PRE-FILED)

By: **Delegates Grosfeld and Kopp**

Requested: July 14, 1997

Introduced and read first time: January 14, 1998

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Foster Care and Kinship Care - Review by Foster Care Review Boards**

3 FOR the purpose of requiring a juvenile court to consider a written report of a local
4 board of review of foster care at a hearing to review the implementation of a
5 permanency plan for a child in an out-of-home placement; requiring each local
6 board of review of foster care to review the cases of certain minor children in
7 foster care or kinship care at certain times; and generally relating to foster care
8 and kinship care.

9 BY repealing and reenacting, with amendments,
10 Article - Courts and Judicial Proceedings
11 Section 3-826.1
12 Annotated Code of Maryland
13 (1995 Replacement Volume and 1997 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - Family Law
16 Section 5-544 and 5-545
17 Annotated Code of Maryland
18 (1991 Replacement Volume and 1997 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article - Courts and Judicial Proceedings**

22 3-826.1.

23 (a) No later than 10 months after disposition made in the case of a child
24 alleged to be in need of assistance, the court shall hold a hearing to review the
25 implementation of a permanency plan for each child committed under § 3-820(c)(1)(ii)
26 of this subtitle.

1 (b) (1) Upon the written request of any party or on its own motion, the court
2 may schedule a hearing at any earlier time to review the implementation of a
3 permanency plan for any child committed pursuant to § 3-820 of this subtitle.

4 (2) The written request for review shall state the reason for the request
5 and any issues to be raised.

6 (c) At the review hearing for a child in placement, the court shall:

7 (1) Determine the future status of the child, including whether the child
8 should be:

9 (i) Returned to the parent or guardian;

10 (ii) Placed with relatives to whom adoption or guardianship is
11 granted;

12 (iii) Placed for adoption;

13 (iv) Emancipated;

14 (v) Because of the child's special needs or circumstances, continued
15 in placement on a permanent or long-term basis; or

16 (vi) Because of the child's special needs or circumstances, continued
17 in placement for a specified period; or

18 (2) For a child who has attained the age of 16, determine the services
19 needed to assist the child to make the transition from placement to independent
20 living.

21 (d) For a child whom the court determines shall be continued in placement
22 under subsection (c)(1)(vi) of this section:

23 (1) The court shall:

24 (i) Determine the continuing necessity for and appropriateness of
25 the commitment;

26 (ii) Determine the extent of compliance with the permanency plan;

27 (iii) Determine the extent of progress which has been made toward
28 alleviating or mitigating the causes necessitating commitment; and

29 (iv) Project a reasonable date by which a child in placement may be
30 returned home or placed for adoption or legal guardianship; and

31 (2) The court shall conduct a review hearing no less frequently than
32 every 6 months until commitment is rescinded.

1 (3) Every reasonable effort shall be made to effectuate a permanent
2 placement for the child within 24 months from the date of initial placement.

3 (e) For a child whom the court determines shall be placed for adoption under
4 subsection (c)(1)(iii) of this section:

5 (1) The court shall order that the petition for termination of parental
6 rights shall be filed within 30 days; and

7 (2) The court shall schedule the termination of parental rights hearing in
8 lieu of the next 6-month review hearing.

9 (f) For a child whom the court determines shall be placed in permanent foster
10 care under subsection (c)(1)(v) of this section:

11 (1) The court may order permanent foster care or kinship care with a
12 specific caregiver who agrees to care for the child on a permanent basis; and

13 (2) No review hearing need be held unless the court orders otherwise.

14 (g) For a child whom the court determines shall be placed in long-term foster
15 care under subsection (c)(1)(v) of this section court reviews shall be conducted no less
16 frequently than every 6 months.

17 (H) AT A REVIEW HEARING UNDER THIS SECTION, THE COURT SHALL
18 CONSIDER ANY WRITTEN REPORT OF A LOCAL BOARD OF REVIEW OF FOSTER CARE
19 REQUIRED UNDER § 5-545 OF THE FAMILY LAW ARTICLE.

20 **Article - Family Law**

21 5-544.

22 The goals of each local board are:

23 (1) as to minor children who [have resided] RESIDE in foster care OR
24 KINSHIP CARE under the jurisdiction of the local department [for more than 6
25 months];

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

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

33 (2) to encourage all possible efforts for permanent foster care OR
34 PERMANENT KINSHIP CARE or guardianship for minor children for whom return to a
35 parent or adoption is not feasible; and

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

3 5-545.

4 (A) EACH LOCAL BOARD SHALL REVIEW WITHIN 6 MONTHS OF PLACEMENT,
5 AND EVERY 6 MONTHS THEREAFTER, THE CASES OF MINOR CHILDREN WHO ARE IN
6 THE CUSTODY OR UNDER THE GUARDIANSHIP OF THE LOCAL DEPARTMENT AND
7 WHO HAVE BEEN PLACED IN FOSTER CARE UNDER § 5-525 OF THIS SUBTITLE OR
8 KINSHIP CARE UNDER § 5-534 OF THIS SUBTITLE.

9 [(a)] (B) (1) Each local board shall report in writing to the juvenile court and
10 the local department on each minor child whose case is reviewed by the local board.

11 [(b)] (2) In the report, the local board may recommend, as being in the best
12 interest of the minor child:

13 [(1)] (I) that the child be returned to the parent or legal guardian;

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

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

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

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 1998.