

HOUSE BILL 35

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1998 Regular Session
8lr0013
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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

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 13, 1998

CHAPTER _____

1 AN ACT concerning

2 ~~Foster Care and Kinship Care - Review by Foster Care Review Boards~~
3 ~~Foster Care Review Boards - Permanency Plan Review Hearings - Written~~
4 ~~Reports~~

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

12 BY repealing and reenacting, with amendments,
13 Article - Courts and Judicial Proceedings
14 Section 3-826.1
15 Annotated Code of Maryland
16 (1995 Replacement Volume and 1997 Supplement)

17 BY repealing and reenacting, ~~with~~ without amendments,
18 Article - Family Law
19 Section ~~5-544~~ and 5-545
20 Annotated Code of Maryland
21 (1991 Replacement Volume and 1997 Supplement)

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

1 **Article - Courts and Judicial Proceedings**

2 3-826.1.

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

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

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

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

13 (1) Determine the future status of the child, including whether the child
14 should be:

15 (i) Returned to the parent or guardian;

16 (ii) Placed with relatives to whom adoption or guardianship is
17 granted;

18 (iii) Placed for adoption;

19 (iv) Emancipated;

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

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

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

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

29 (1) The court shall:

30 (i) Determine the continuing necessity for and appropriateness of
31 the commitment;

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

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

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

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

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

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

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

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

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

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

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

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

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

26 **Article - Family Law**

27 ~~5-544.~~

28 ~~The goals of each local board are:~~

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

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

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

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

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

11 5-545.

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

17 {(a)} {B} {+} Each local board shall report in writing to the juvenile court and
18 the local department on each minor child whose case is reviewed by the local board.

19 {(b)} {2} In the report, the local board may recommend, as being in the best
20 interest of the minor child:

21 {(1)} {I} that the child be returned to the parent or legal guardian;

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

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

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

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