

SENATE BILL 97

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1998 Regular Session
8lr0943

By: **Senator Boozer**

Introduced and read first time: January 19, 1998

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Causes - Child in Need of Assistance - Review Hearings**

3 FOR the purpose of altering the frequency of certain review hearings in certain child
4 in need of assistance cases.

5 BY repealing and reenacting, with amendments,
6 Article - Courts and Judicial Proceedings
7 Section 3-826.1
8 Annotated Code of Maryland
9 (1995 Replacement Volume and 1997 Supplement)

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

12 **Article - Courts and Judicial Proceedings**

13 3-826.1.

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

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

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

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

24 (1) Determine the future status of the child, including whether the child
25 should be:

26 (i) Returned to the parent or guardian;

- 1 (ii) Placed with relatives to whom adoption or guardianship is
2 granted;
- 3 (iii) Placed for adoption;
- 4 (iv) Emancipated;
- 5 (v) Because of the child's special needs or circumstances, continued
6 in placement on a permanent or long-term basis; or
- 7 (vi) Because of the child's special needs or circumstances, continued
8 in placement for a specified period; or
- 9 (2) For a child who has attained the age of 16, determine the services
10 needed to assist the child to make the transition from placement to independent
11 living.
- 12 (d) For a child whom the court determines shall be continued in placement
13 under subsection (c)(1)(vi) of this section:
- 14 (1) The court shall:
- 15 (i) Determine the continuing necessity for and appropriateness of
16 the commitment;
- 17 (ii) Determine the extent of compliance with the permanency plan;
- 18 (iii) Determine the extent of progress which has been made toward
19 alleviating or mitigating the causes necessitating commitment; and
- 20 (iv) Project a reasonable date by which a child in placement may be
21 returned home or placed for adoption or legal guardianship; [and]
- 22 (2) The court shall conduct a review hearing no less frequently than
23 every [6] 12 months until commitment is rescinded [.]; AND
- 24 (3) Every reasonable effort shall be made to effectuate a permanent
25 placement for the child within 24 months from the date of initial placement.
- 26 (e) For a child whom the court determines shall be placed for adoption under
27 subsection (c)(1)(iii) of this section:
- 28 (1) The court shall order that the petition for termination of parental
29 rights shall be filed within 30 days; and
- 30 (2) The court shall schedule the termination of parental rights hearing in
31 lieu of the next [6-month] 12-MONTH review hearing.
- 32 (f) For a child whom the court determines shall be placed in permanent foster
33 care under subsection (c)(1)(v) of this section:

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

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

4 (g) For a child whom the court determines shall be placed in long-term foster
5 care under subsection (c)(1)(v) of this section court reviews shall be conducted no less
6 frequently than every [6] 12 months.

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