
By: **Delegates Owings, O'Donnell, and Montague**
Introduced and read first time: February 11, 2000
Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Reimbursement for Kinship Care**

3 FOR the purpose of requiring the Department of Human Resources to pay a kinship
4 parent for kinship care of a child that does not need special care at a rate that is
5 not less than a certain percent of the rate paid for certain foster care; requiring
6 the Department to pay a kinship parent for kinship care of a child that needs
7 certain special care at a rate that is not less than a certain percent of the rate
8 paid for foster care of a child that needs certain special care; requiring the
9 Department to establish certain guidelines for payment by regulation;
10 authorizing a kinship parent to refuse certain payments; authorizing the
11 Governor to make a certain deficiency appropriation; and generally relating to
12 payments for kinship care.

13 BY repealing and reenacting, with amendments,
14 Article - Family Law
15 Section 5-534
16 Annotated Code of Maryland
17 (1999 Replacement Volume and 1999 Supplement)

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

20 **Article - Family Law**

21 5-534.

22 (a) In this section, "kinship parent" means an individual who is related by
23 blood or marriage within five degrees of consanguinity or affinity under the civil law
24 rule to a child who is in the care, custody, or guardianship of the local department and
25 with whom the child may be placed for temporary or long-term care other than
26 adoption.

27 (b) The Administration shall establish a kinship care program.

1 (c) (1) In selecting a placement that is in the best interests of a child in need
2 of out-of-home placement, the local department shall, as a first priority, attempt to
3 place the child with a kinship parent.

4 (2) The local department shall exhaust all reasonable resources to locate
5 a kinship parent for initial placement of the child.

6 (3) If no kinship parent is located at the time of the initial placement, the
7 child shall be placed in a foster care setting.

8 (4) If a kinship parent is located subsequent to the placement of a child
9 in a foster care setting, the local department may, if it is in the best interest of the
10 child, place the child with the kinship parent.

11 (d) (1) A kinship parent may not be less than 21 years of age.

12 (2) The local department may waive the age requirement of paragraph
13 (1) of this subsection if a potential kinship parent:

14 (i) is at least 18 years of age; and

15 (ii) lives with a spouse who is at least 21 years of age.

16 (E) THE DEPARTMENT SHALL ESTABLISH BY REGULATION GUIDELINES FOR
17 PAYMENT FOR KINSHIP CARE FOR ONE OR MORE CLASSES OF CHILDREN, INCLUDING
18 CHILDREN WHO ARE IN NEED OF SPECIAL CARE.

19 (F) (1) FOR A CHILD WHO DOES NOT NEED SPECIAL CARE, THE
20 DEPARTMENT SHALL PAY A KINSHIP PARENT FOR KINSHIP CARE IN A SINGLE
21 FAMILY HOME AT A MONTHLY RATE THAT IS NOT LESS THAN 50% OF THE MONTHLY
22 RATE PROVIDED FOR A CHILD IN FOSTER CARE UNDER § 5-527 OF THIS SUBTITLE.

23 (2) THE MONTHLY RATE SHALL INCLUDE INCREMENTS BASED ON THE
24 AGE OF THE CHILD.

25 (G) THE DEPARTMENT SHALL PAY A KINSHIP PARENT FOR KINSHIP CARE FOR
26 A CHILD WHO NEEDS THE MOST DEMANDING SPECIAL CARE IN A SINGLE FAMILY
27 HOME AT A MONTHLY RATE THAT IS NOT LESS 50% OF THE MONTHLY RATE
28 PROVIDED FOR A CHILD IN FOSTER CARE WHO NEEDS THE MOST DEMANDING
29 SPECIAL CARE IN A SINGLE FAMILY HOME UNDER § 5-527 OF THIS SUBTITLE.

30 (H) A KINSHIP PARENT MAY REFUSE TO ACCEPT PAYMENTS FROM THE
31 DEPARTMENT UNDER THIS SECTION.

32 [(e)] (I) The Administration shall adopt regulations to implement this section
33 that are consistent with the provisions of this section.

34 SECTION 2. AND BE IT FURTHER ENACTED, That the Governor may
35 provide for a deficiency appropriation in the State budget for fiscal year 2000 to fund
36 the cost of kinship care payments.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 June 1, 2000.