

SENATE BILL 307

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SB 229/00 - JUD

2001 Regular Session
11r0895
CF 11r1770

By: **Senators Roesser, Ferguson, Forehand, Green, Haines, Hughes, Jimeno,
McCabe, Mitchell, Mooney, and Sfikas**

Introduced and read first time: January 29, 2001
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 6, 2001

CHAPTER _____

1 AN ACT concerning

2 **Family Law - Foster Parents**

3 FOR the purpose of setting forth certain rights of foster parents in the State;
4 providing for the construction of this Act; and generally relating to foster care.

5 BY adding to
6 Article - Family Law
7 Section 5-504
8 Annotated Code of Maryland
9 (1999 Replacement Volume and 2000 Supplement)

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

12 **Article - Family Law**

13 5-504.

14 (A) FOSTER PARENTS IN THIS STATE HAVE THE FOLLOWING RIGHTS:

15 (1) THE RIGHT, AT THE INITIAL PLACEMENT, AT ANY TIME DURING THE
16 PLACEMENT OF A CHILD IN FOSTER CARE, AND AS SOON AS PRACTICABLE AFTER
17 NEW INFORMATION BECOMES AVAILABLE, TO RECEIVE FULL INFORMATION FROM
18 THE CASEWORKER, EXCEPT FOR INFORMATION ABOUT THE FAMILY MEMBERS THAT
19 MAY BE PRIVILEGED OR CONFIDENTIAL, ON THE PHYSICAL, SOCIAL, EMOTIONAL,
20 EDUCATIONAL, AND MENTAL HISTORY OF A CHILD WHICH WOULD POSSIBLY AFFECT
21 THE CARE PROVIDED BY A FOSTER PARENT;

1 (2) WITH REGARD TO THE LOCAL DEPARTMENT OF SOCIAL SERVICES
2 CASE PLANNING, THE RIGHT TO:

3 (I) EXCEPT FOR MEETINGS COVERED BY THE ATTORNEY-CLIENT
4 PRIVILEGE OR MEETINGS IN WHICH CONFIDENTIAL INFORMATION ABOUT THE
5 NATURAL PARENTS IS DISCUSSED, BE NOTIFIED OF, AND WHEN APPLICABLE, BE
6 HEARD AT SCHEDULED MEETINGS AND STAFFINGS CONCERNING A CHILD IN ORDER
7 TO ACTIVELY PARTICIPATE, WITHOUT SUPERSEDING THE RIGHTS OF THE NATURAL
8 PARENTS TO PARTICIPATE AND MAKE APPROPRIATE DECISIONS REGARDING THE
9 CHILD, IN THE CASE PLANNING, ADMINISTRATIVE CASE REVIEWS,
10 INTERDISCIPLINARY STAFFINGS, AND INDIVIDUAL EDUCATIONAL PLANNING AND
11 MENTAL HEALTH TEAM MEETINGS;

12 (II) BE INFORMED OF DECISIONS MADE BY THE ~~JUVENILE OR~~
13 ~~FAMILY~~ COURTS OR A CHILD WELFARE AGENCY CONCERNING A CHILD; AND

14 (III) PROVIDE INPUT CONCERNING THE PLAN OF SERVICES FOR A
15 CHILD AND TO HAVE THAT INPUT GIVEN FULL CONSIDERATION BY THE LOCAL
16 DEPARTMENT OF SOCIAL SERVICES; AND

17 (3) THE RIGHT TO BE GIVEN REASONABLE WRITTEN NOTICE, WAIVED
18 ONLY IN CASES OF A COURT ORDER OR WHEN A CHILD IS DETERMINED TO BE AT
19 IMMINENT RISK OF HARM, OF:

20 ~~(A)~~ PLANS TO TERMINATE THE PLACEMENT OF A CHILD WITH A
21 FOSTER PARENT; ~~AND~~

22 ~~(B)~~ ~~THE REASONS FOR THE CHANGE OR TERMINATION OF~~
23 ~~PLACEMENT.~~

24 (B) THIS SECTION DOES NOT CREATE, AND MAY NOT BE CONSTRUED TO
25 CREATE, A CAUSE OF ACTION FOR FOSTER PARENTS.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2001.