

Department of Legislative Services

Maryland General Assembly

2001 Session

FISCAL NOTE

Revised

Senate Bill 307 (Senator Roesser, *et al.*)

Judicial Proceedings

Judiciary

Family Law - Foster Parents

This bill grants and defines the rights of foster parents in terms of access to all pertinent information emanating from the caseworker, local departments of social services, and the courts concerning the assistance, guidance, treatment, or rehabilitation of a child.

Fiscal Summary

State Effect: The bill's requirements could be handled with existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The foster parent's rights include:

- to receive full information from the caseworker, except for information about the family members that may be privileged or confidential, on the physical, social, emotional, educational, and mental history of a child which would possibly affect the care provided by the foster parent;
- except for meetings covered by the attorney-client privilege or meetings in which confidential information about the natural parents is discussed, to be notified of, and when applicable, be heard at scheduled meetings and staffings concerning a child in order to actively participate, without superseding the rights of the natural

parents to participate and make appropriate decisions regarding the child, in the case planning, administrative case reviews, interdisciplinary staffings, and individual educational planning and mental health team meetings;

- to be informed of decisions made by the courts or a child welfare agency concerning a child;
- to provide input concerning the plan of services for a child and to have that input given full consideration by the local department of social services; and
- to be given reasonable written notice, waived only in cases of a court order or when a child is determined to be at imminent risk of harm, of plans to terminate the placement of the child with a foster parent.

The bill does not create a cause of action for foster parents.

Current Law: Within seven days before a permanency planning hearing or review hearing for a child in foster care, a foster parent must be notified of the hearing and given an opportunity to be heard. Foster parents who wish to adopt a child in their care may request a hearing after a decision by a child placement agency to remove the child from the foster parent's care and place the child with another adoptive family. A foster parent is also given priority for adoption under current law.

Additional Information

Prior Introductions: Substantially similar bills were introduced during the 1999 and 2000 sessions as SB 494 and SB 229, respectively. SB 494 was not reported from the Judicial Proceedings Committee, and SB 229 passed in the Senate and the House without further action.

Cross File: HB 914 (Delegate Montague, *et al.*) – Judiciary.

Information Source(s): Department of Human Resources (Social Services Administration), Judiciary (Administrative Office of the Courts), Department of Legislative Services

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