
By: **Delegates Montague, Doory, Dembrow, Giannetti, and Kelly**
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Assigned to: Judiciary

Committee Report: Favorable
House action: Adopted
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CHAPTER _____

1 AN ACT concerning

2 **Juvenile Causes - Children in Need of Assistance - Termination of**
3 **Permanency Plan Review**

4 FOR the purpose of providing that unless the court finds good cause, a custody and
5 guardianship case shall be terminated after the court grants custody and
6 guardianship of the child to a relative or other individual; providing that if the
7 court finds good cause to not terminate a case, the court shall conduct a review
8 hearing every certain number of months until the case is terminated; providing
9 for the application of this Act; and generally relating to children in need of
10 assistance and permanency plan review.

11 BY repealing and reenacting, with amendments,
12 Article - Courts and Judicial Proceedings
13 Section 3-823(h)
14 Annotated Code of Maryland
15 (1998 Replacement Volume and 2001 Supplement)

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

18 **Article - Courts and Judicial Proceedings**

19 3-823.

20 (h) (1) (i) Except as provided in [subparagraph (ii)] SUBPARAGRAPHS (II)
21 AND (III) of this paragraph, the court shall conduct a hearing to review the
22 permanency plan at least every 6 months until commitment is rescinded.

1 (ii) The court shall conduct a review hearing every 12 months after
2 the court [grants guardianship of the child to a relative or other person, or]
3 determines that the child shall be continued in out-of-home placement with a specific
4 caregiver who agrees to care for the child on a permanent basis.

5 (III) 1. UNLESS THE COURT FINDS GOOD CAUSE, A CASE SHALL
6 BE TERMINATED AFTER THE COURT GRANTS CUSTODY AND GUARDIANSHIP OF THE
7 CHILD TO A RELATIVE OR OTHER INDIVIDUAL.

8 2. IF THE COURT FINDS GOOD CAUSE NOT TO TERMINATE A
9 CASE, THE COURT SHALL CONDUCT A REVIEW HEARING EVERY 12 MONTHS UNTIL
10 THE CASE IS TERMINATED.

11 (2) At the review hearing, the court shall:

12 (i) Determine the continuing necessity for and appropriateness of
13 the commitment;

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

15 (iii) Determine the extent of progress that has been made toward
16 alleviating or mitigating the causes necessitating commitment;

17 (iv) Project a reasonable date by which a child in placement may be
18 returned home, placed in a preadoptive home, or placed under a legal guardianship;

19 (v) Evaluate the safety of the child and take necessary measures to
20 protect the child; and

21 (vi) Change the permanency plan if a change in the permanency
22 plan would be in the child's best interest.

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

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
26 construed to apply retroactively and shall be applied to and interpreted to affect any
27 case in which custody and guardianship is granted after October 1, 2001.

28 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2002.

