

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 968
Judiciary

(Delegate Montague, *et al.*)

Judicial Proceedings

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

This bill sets forth procedures for the termination of child in need of assistance (CINA) permanency plan reviews. Unless the court finds good cause, a custody and guardianship case must be terminated after the court grants custody and guardianship of a child to a relative or other individual. If the court finds good cause not to terminate a custody and guardianship case, the court is required to conduct a review hearing every 12 months until the case is terminated. The bill has retroactive application and affects any grant of custody and guardianship after October 1, 2001.

Fiscal Summary

State Effect: Potential minimal reduction in general fund expenditures as the number of attorneys needed for custody and guardianship hearings are reduced.

Local Effect: Potential minimal reduction in circuit court expenditures as the number of permanency plan reviews for each custody and guardianship case may be reduced.

Small Business Effect: None.

Analysis

Current Law: The circuit court, sitting as the juvenile court, is required to conduct a hearing at least every six months to review the permanency plan for a child in an out-of-home placement, until the commitment is rescinded. After the court grants guardianship of the child to a relative or other person, or decides that the child will continue in an out-of-home placement with a specific caregiver who agrees to care for the child on a permanent basis, the review must be conducted every 12 months.

At the permanency plan review hearing, the court must determine the continuing necessity for and appropriateness of the commitment, determine the compliance with the plan, and determine the progress that has been made toward alleviating or mitigating the causes of commitment. The court must also project a reasonable date for the child in placement to be returned home, placed in a preadoptive home, or placed under legal guardianship; and evaluate the safety of the child and take necessary measures to protect the child. The court must change the permanency plan if a change would be in the child's best interest. Every reasonable effort must be made to provide a permanent placement for the child within 24 months of the initial placement.

State Expenditures: Attorneys are required to represent children in permanency review cases. The Department of Human Resources (DHR) is required to pay those attorneys. Because this bill requires courts to terminate cases, unless good cause is shown to keep them open, there will be less need for DHR to pay attorneys to represent those children in the future.

Local Expenditures: The Administrative Office of the Courts advises that the bill should decrease costs for circuit courts; however, the impact is most likely to occur in future years once cases are heard and terminated when appropriate. This bill could have the effect of decreasing the number of annual review hearings for children placed under custody and guardianship with a relative or other caregiver. Court costs and the costs of other parties would also terminate with the case. The exact number of cases that would be terminated is unknown.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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