

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL NO. 458

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Individual Treatment Plans and”; strike beginning with “requiring” in line 4 down through “circumstances;” in line 10; in lines 11, 13, 14, 15, 17, and 18, in each instance, strike “disposition”; in line 19, strike “disposition” and substitute “judicial determination”; in line 22, after “in” insert “certain”; in the same line, after “placements;” insert “requiring a local department of social services to obtain the approval of the Social Services Administration before offering a certain out-of-home placement;”; in line 26, strike “of social services”; strike beginning with “altering” in line 29 down through “definitions;” in line 30; after line 31, insert:

“BY repealing and reenacting, without amendments,

Article - Courts and Judicial Proceedings

Section 3-801(a) and 3-823(a)

Annotated Code of Maryland

(2002 Replacement Volume)

BY adding to

Article - Courts and Judicial Proceedings

Section 3-801(z) and (aa) and 3-819.1

Annotated Code of Maryland

(2002 Replacement Volume)”;

and in line 34, strike “3-801,”.

On page 2, strike in their entirety lines 4 through 13, inclusive; in line 16, strike “and 5-701(a)”;

and in line 26, strike “, and 5-701(r)”.

(Over)

## AMENDMENT NO. 2

On pages 2 through 6, strike in their entirety the lines beginning with line 34 on page 2 through line 10 on page 6, inclusive.

On page 6, in line 11, strike “(BB)” and substitute “(Z)”; in line 12, strike “5-525” and substitute “5-525(A)(1)(I) OR (III)”; in line 13, strike “(CC)” and substitute “(AA)”; and in lines 13 and 19, in each instance, strike “DISPOSITION”.

## AMENDMENT NO. 3

On page 7, in line 6, before “PETITION” insert “VOLUNTARY PLACEMENT”; in that same line, after “PETITION” strike “REQUESTING A VOLUNTARY DISPOSITION HEARING”; in lines 18 and 22, in each instance, strike “DISPOSITION”; in line 26, after “(a)” insert “(1)”; in the same line, before “petition” insert “CINA”; in line 27, strike “OR REQUIRES A VOLUNTARY PLACEMENT DISPOSITION HEARING”; and after line 28, insert:

“(2) A VOLUNTARY PLACEMENT PETITION UNDER THIS SUBTITLE SHALL ALLEGE THAT CONTINUATION OF A VOLUNTARY PLACEMENT IS IN THE BEST INTERESTS OF THE CHILD AND SHALL SET FORTH IN CLEAR AND SIMPLE LANGUAGE THE FACTS SUPPORTING THAT ALLEGATION.”

On page 8, in lines 2 and 11, in each instance, before “petition” insert “CINA”; in lines 3, 5, and 8, in each instance, strike “CINA”; in line 11, after “(b)” strike “(1)”; in lines 13, 15, 16, 17, 18, and 20, in each instance, strike the brackets; in line 13, strike “(I)”; in line 15, strike “(II)”; in line 16, strike “1.”; in line 17, strike “2.”; in line 18, strike “A.”; and in line 20, strike “B.”.

On pages 8 through 10, strike in their entirety the lines beginning with line 23 on page 8 through line 8 on page 10, inclusive.

## AMENDMENT NO. 4

On page 10, strike beginning with “UNLESS” in line 10 down through “DETERMINE:” in line 13 and substitute “WITHIN 30 DAYS AFTER A VOLUNTARY PLACEMENT PETITION IS FILED, THE COURT SHALL HOLD A VOLUNTARY PLACEMENT HEARING AND SHALL MAKE FINDINGS AS TO:”.

On page 11, in line 10, after “hearing” insert “TO DETERMINE THE PERMANENCY PLAN FOR A CHILD”; in line 11, strike “in a CINA proceeding OR” and substitute “COMMITTED UNDER § 3-819.1(B) OF THIS SUBTITLE OR CONTINUED IN”; in line 12, after

“VOLUNTARY PLACEMENT” insert “UNDER § 3-819.1(B) OF THIS SUBTITLE”; and strike beginning with “to determine” in line 12 down through “subtitle” in line 13.

On page 12, in line 6, after “AGREEMENT” insert “VOLUNTARILY ENTERED INTO”; strike beginning with “WITH” in line 7 down through “AND” in line 9; in line 17, strike “6 months” and substitute “180 DAYS”; strike beginning with “written” in line 17 down through “department;” in line 18 and substitute “VOLUNTARY PLACEMENT AGREEMENT;”.

AMENDMENT NO. 5

On page 12, strike beginning with “WHO” in line 25 down through “AGREEMENT” in line 26 and substitute “WHO, WITH THE APPROVAL OF THE ADMINISTRATION, ARE PLACED IN AN OUT-OF-HOME PLACEMENT BY A LOCAL DEPARTMENT UNDER A VOLUNTARY PLACEMENT AGREEMENT SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION”; and strike beginning with “THE” in line 27 down through “CHILD” in line 39 and substitute “A LOCAL DEPARTMENT MAY NOT SEEK LEGAL CUSTODY OF A CHILD UNDER A VOLUNTARY PLACEMENT AGREEMENT IF THE CHILD HAS A DEVELOPMENTAL DISABILITY OR A MENTAL ILLNESS AND THE PURPOSE OF THE VOLUNTARY PLACEMENT AGREEMENT IS TO OBTAIN TREATMENT OR CARE RELATED TO THE CHILD’S DISABILITY THAT THE PARENT IS UNABLE TO PROVIDE.”

(II) A CHILD DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY REMAIN IN AN OUT-OF-HOME PLACEMENT UNDER A VOLUNTARY PLACEMENT AGREEMENT FOR MORE THAN 180 DAYS IF THE CHILD’S DISABILITY NECESSITATES CARE OR TREATMENT IN THE OUT-OF-HOME PLACEMENT AND A JUVENILE COURT MAKES A FINDING THAT CONTINUATION OF THE PLACEMENT IS IN THE BEST INTERESTS OF THE CHILD”.

On page 13, strike beginning with “AN” in line 8 down through “OR” in line 9 and substitute “A”; in line 9, after “DISABILITY” insert “OR MENTAL ILLNESS”; in line 20, strike “AN EMOTIONAL, PHYSICAL, OR” and substitute “A”; and in line 21, after “DISABILITY” insert “OR MENTAL ILLNESS”.

AMENDMENT NO. 6

On pages 13 and 14, strike in their entirety the lines beginning with line 24 on page 13 through line 2 on page 14, inclusive.