
By: **Senator Jacobs**

Introduced and read first time: January 31, 2003

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Children with Disabilities - Individual Treatment Plans and Voluntary**
3 **Placements**

4 FOR the purpose of requiring the juvenile court, in a child in need of assistance
5 disposition hearing, to take certain actions if the court finds that a child is in
6 need of assistance solely because of a developmental disability or mental
7 disorder under certain circumstances; prohibiting the juvenile court from
8 changing a child's custody status under certain circumstances; authorizing a
9 juvenile court to order a local department or the Department of Health and
10 Mental Hygiene to take certain actions under certain circumstances; granting
11 exclusive, original jurisdiction to the juvenile court over a certain disposition
12 hearing for a child under a certain age; establishing venue for filing a petition
13 for a certain disposition hearing; establishing that in Prince George's County a
14 master for juvenile causes may conduct a certain disposition hearing;
15 authorizing the juvenile court to exclude the public from a certain disposition
16 hearing; specifying the contents of a certain petition; establishing a certain time
17 frame for conducting a certain disposition hearing; requiring the juvenile court
18 to make certain determinations in a certain disposition hearing; requiring the
19 juvenile court to take certain actions in making a certain disposition; requiring
20 the juvenile court to conduct a certain permanency plan hearing; requiring the
21 Social Services Administration to establish an out-of-home placement program
22 for children in voluntary placements; prohibiting a local department from
23 seeking legal custody of a child with certain disabilities under certain
24 circumstances; authorizing a child with certain disabilities to remain in an
25 out-of-home placement for more than a specified period of time under certain
26 circumstances; requiring a local department of social services to provide certain
27 services to a child placed in accordance with a voluntary placement agreement;
28 prohibiting a child from being committed to the custody or guardianship of a
29 local department solely for certain reasons; defining certain terms; altering
30 certain definitions; making clarifying changes; and generally relating to
31 children with disabilities.

32 BY repealing and reenacting, with amendments,
33 Article - Courts and Judicial Proceedings
34 Section 3-801, 3-803(a), 3-804(a), 3-805(a), 3-807(a)(4)(i), 3-810(b)(1),

1 3-811(a), 3-817(a), 3-819(a) and (b), 3-820(a), and 3-823(b)(1) and (h)(1)
2 Annotated Code of Maryland
3 (2002 Replacement Volume)

4 BY repealing and reenacting, without amendments,
5 Article - Courts and Judicial Proceedings
6 Section 3-819(h), (i), and (j) and 3-823(a)
7 Annotated Code of Maryland
8 (2002 Replacement Volume)

9 BY adding to
10 Article - Courts and Judicial Proceedings
11 Section 3-819.1
12 Annotated Code of Maryland
13 (2002 Replacement Volume)

14 BY repealing and reenacting, without amendments,
15 Article - Family Law
16 Section 5-501(a), (b), (l), and (m) and 5-701(a)
17 Annotated Code of Maryland
18 (1999 Replacement Volume and 2002 Supplement)

19 BY adding to
20 Article - Family Law
21 Section 5-501(r)
22 Annotated Code of Maryland
23 (1999 Replacement Volume and 2002 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article - Family Law
26 Section 5-525(a), (c), and (i), and 5-701(r)
27 Annotated Code of Maryland
28 (1999 Replacement Volume and 2002 Supplement)

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

31 **Article - Courts and Judicial Proceedings**

32 3-801.

33 (a) In this subtitle the following words have the meanings indicated.

34 (b) "Abuse" means:

1 (1) Sexual abuse of a child, whether a physical injury is sustained or not;
2 or

3 (2) Physical or mental injury of a child under circumstances that
4 indicate that the child's health or welfare is harmed or is at substantial risk of being
5 harmed by:

6 (i) A parent or other individual who has permanent or temporary
7 care or custody or responsibility for supervision of the child; or

8 (ii) A household or family member.

9 (c) "Adjudicatory hearing" means a hearing under this subtitle to determine
10 whether the allegations in the petition, other than the allegation that the child
11 requires the court's intervention, are true.

12 (d) "Adult" means an individual who is at least 18 years old.

13 (e) "Child" means an individual under the age of 18 years.

14 (f) "Child in need of assistance" means a child who requires court intervention
15 because:

16 (1) The child has been abused, has been neglected, has a developmental
17 disability, or has a mental disorder; and

18 (2) The child's parents, guardian, or custodian are unable or unwilling to
19 give proper care and attention to the child and the child's needs.

20 (g) "CINA" means a child in need of assistance.

21 (h) "CINA DISPOSITION HEARING" MEANS A HEARING UNDER THIS SUBTITLE
22 TO DETERMINE:

23 (1) WHETHER A CHILD IS IN NEED OF ASSISTANCE; AND

24 (2) IF SO, THE NATURE OF THE COURT'S INTERVENTION TO PROTECT
25 THE CHILD'S HEALTH, SAFETY, AND WELL-BEING.

26 (I) "Commit" means to transfer custody.

27 [(i)] (J) "Court" means the circuit court for a county sitting as the juvenile
28 court.

29 [(j)] (K) "Custodian" means a person or governmental agency to whom
30 custody of a child has been given by order of court, including a court other than the
31 juvenile court.

32 [(k)] (L) "Custody" means the right and obligation, unless otherwise
33 determined by the court, to provide ordinary care for a child and determine
34 placement.

1 [(l)] (M) "Developmental disability" means a severe chronic disability of an
2 individual that:

3 (1) Is attributable to a physical or mental impairment, other than the
4 sole diagnosis of mental illness, or to a combination of mental and physical
5 impairments;

6 (2) Is likely to continue indefinitely;

7 (3) Results in an inability to live independently without external support
8 or continuing and regular assistance; and

9 (4) Reflects the need for a combination and sequence of special,
10 interdisciplinary, or generic care, treatment, or other services that are individually
11 planned and coordinated for the individual.

12 [(m)] "Disposition hearing" means a hearing under this subtitle to determine:

13 (1) Whether a child is in need of assistance; and

14 (2) If so, the nature of the court's intervention to protect the child's
15 health, safety, and well-being.]

16 (n) "Guardian" means a person to whom guardianship of a child has been
17 given by order of court, including a court other than the juvenile court.

18 (o) "Guardianship" means an award by a court, including a court other than
19 the juvenile court, of the authority to make ordinary and emergency decisions as to
20 the child's care, welfare, education, physical and mental health, and the right to
21 pursue support.

22 (P) "INDIVIDUAL TREATMENT PLAN" MEANS A COURT-ORDERED PLAN
23 DEVELOPED FOR A CHILD WITH A DEVELOPMENTAL DISABILITY OR A MENTAL
24 DISORDER THAT INCLUDES ALL APPROPRIATE AND NECESSARY SERVICES,
25 INCLUDING HOME AND COMMUNITY-BASED SERVICES, TREATMENT, AND SUPPORT
26 TO MEET THE NEEDS OF THE CHILD AND THAT IDENTIFIES EACH STATE OR LOCAL
27 AGENCY OR PRIVATE RESOURCE THAT WILL PROVIDE AND PAY FOR EACH SERVICE.

28 (Q) "LEAST RESTRICTIVE ENVIRONMENT" MEANS:

29 (1) THE CHILD'S FAMILY HOME; OR

30 (2) WHEN THE INDIVIDUAL NEEDS OF THE CHILD CANNOT REASONABLY
31 BE MET IN THE FAMILY HOME, THE MOST HOMELIKE SETTING FOR THE CHILD, WITH
32 A PREFERENCE FOR RESIDENCE IN THE SAME COMMUNITY AS THE CHILD'S FAMILY
33 SO THE CHILD MAY CONTINUE TO ATTEND THE SAME SCHOOL AND MAINTAIN
34 MAXIMUM CONTACT WITH THE CHILD'S FAMILY AND COMMUNITY.

35 [(p)] (R) "Local department" means the local department of social services for
36 the county in which the court is located.

1 [(q)] (S) (1) "Mental disorder" means a behavioral or emotional illness that
2 results from a psychiatric or neurological disorder.

3 (2) "Mental disorder" includes a mental illness that so substantially
4 impairs the mental or emotional functioning of an individual as to make care or
5 treatment necessary or advisable for the welfare of the individual or for the safety of
6 the person or property of another.

7 (3) "Mental disorder" does not include mental retardation.

8 [(r)] (T) "Mental injury" means the observable, identifiable, and substantial
9 impairment of a child's mental or psychological ability to function.

10 [(s)] (U) "Neglect" means the leaving of a child unattended or other failure to
11 give proper care and attention to a child by any parent or individual who has
12 permanent or temporary care or custody or responsibility for supervision of the child
13 under circumstances that indicate:

14 (1) That the child's health or welfare is harmed or placed at substantial
15 risk of harm; or

16 (2) That the child has suffered mental injury or been placed at
17 substantial risk of mental injury.

18 [(t)] (V) "Parent" means a natural or adoptive parent whose parental rights
19 have not been terminated.

20 [(u)] (W) (1) "Party" means:

21 (i) A child who is the subject of a petition;

22 (ii) The child's parent, guardian, or custodian;

23 (iii) The petitioner; or

24 (iv) An adult who is charged under § 3-828 of this subtitle.

25 (2) "Party" does not include a foster parent.

26 [(v)] (X) (1) "Sexual abuse" means an act that involves sexual molestation
27 or sexual exploitation of a child by:

28 (i) A parent or other individual who has permanent or temporary
29 care or custody or responsibility for supervision of the child; or

30 (ii) A household or family member.

31 (2) "Sexual abuse" includes:

32 (i) Incest;

- 1 (ii) Rape;
- 2 (iii) Sexual offense in any degree;
- 3 (iv) Sodomy; and
- 4 (v) Unnatural or perverted sexual practices.

5 [(w)] (Y) "Shelter care" means a temporary placement of a child outside of the
6 home at any time before disposition.

7 [(x)] (Z) "Shelter care hearing" means a hearing held before disposition to
8 determine whether the temporary placement of the child outside of the home is
9 warranted.

10 [(y)] (AA) "TPR proceeding" means a proceeding to terminate parental rights.

11 (BB) "VOLUNTARY PLACEMENT" MEANS A PLACEMENT IN ACCORDANCE WITH §
12 5-525 OF THE FAMILY LAW ARTICLE.

13 (CC) "VOLUNTARY PLACEMENT DISPOSITION HEARING" MEANS A HEARING TO
14 OBTAIN A JUDICIAL DETERMINATION AS TO WHETHER CONTINUING A VOLUNTARY
15 PLACEMENT IS IN THE BEST INTERESTS OF THE CHILD.

16 3-803.

17 (a) In addition to the jurisdiction specified in Subtitle 8A of this title, the court
18 has exclusive original jurisdiction over:

19 (1) VOLUNTARY PLACEMENT DISPOSITION HEARINGS;

20 (2) Proceedings arising from a petition alleging that a child is a CINA;

21 [(2)] (3) Proceedings arising under the Interstate Compact on the
22 Placement of Children;

23 [(3)] (4) Proceedings to terminate parental rights after a CINA
24 proceeding;

25 [(4)] (5) Guardianship review proceedings after a TPR proceeding; and

26 [(5)] (6) Adoption proceedings, if any, after a TPR proceeding.

27 3-804.

28 (a) The court has jurisdiction under this subtitle only if the alleged CINA OR
29 CHILD IN A VOLUNTARY PLACEMENT is under the age of 18 years when the petition is
30 filed.

1 3-805.

2 (a) (1) A petition alleging that a child is a CINA shall be filed in the county
3 where:

4 [(1)] (I) The child is residing when the petition is filed; or

5 [(2)] (II) The act on which the petition is based allegedly occurred.

6 (2) A PETITION REQUESTING A VOLUNTARY DISPOSITION HEARING
7 SHALL BE FILED IN THE COUNTY WHERE THE PARENT OR LEGAL GUARDIAN
8 RESIDES.

9 3-807.

10 (a) (4) (i) In Prince George's County, the judges of the circuit court may
11 not appoint or continue the appointment of masters for juvenile causes, except for the
12 purpose of conducting:

13 1. Probable cause hearings, detention hearings,
14 arraignments, acceptances of admissions, and restitution hearings in delinquency
15 cases under Subtitle 8A of this title; [and]

16 2. Shelter care, adjudicatory, and disposition hearings in
17 CINA cases under this subtitle; AND

18 3. VOLUNTARY PLACEMENT DISPOSITION HEARINGS UNDER
19 THIS SUBTITLE.

20 3-810.

21 (b) (1) In any proceeding in which a child is alleged to be in need of
22 assistance OR IN ANY VOLUNTARY PLACEMENT DISPOSITION HEARING, the court
23 may exclude the general public from a hearing and admit only those persons having
24 a direct interest in the proceeding and their representatives.

25 3-811.

26 (a) A petition under this subtitle shall allege that a child is in need of
27 assistance OR REQUIRES A VOLUNTARY PLACEMENT DISPOSITION HEARING and
28 shall set forth in clear and simple language the facts supporting that allegation.

29 3-817.

30 (a) After a CINA petition is filed under this subtitle, the court shall hold an
31 adjudicatory hearing.

1 3-819.

2 (a) (1) Unless a petition under this subtitle is dismissed, the court shall hold
3 a separate CINA disposition hearing after an adjudicatory hearing to determine
4 whether the child is a CINA.

5 (2) The CINA disposition hearing shall be held on the same day as the
6 adjudicatory hearing unless on its own motion or motion of a party, the court finds
7 that there is good cause to delay the disposition hearing to a later day.

8 (3) If the court delays a CINA disposition hearing, it shall be held no later
9 than 30 days after the conclusion of the adjudicatory hearing unless good cause is
10 shown.

11 (b) (1) In making a disposition on a petition under this subtitle, the court
12 shall:

13 [(1)] (I) Find that the child is not in need of assistance and, except as
14 provided in subsection (e) of this section, dismiss the case; or

15 [(2)] (II) Find that the child is in need of assistance and:

16 [(i)] 1. Not change the child's custody status; or

17 [(ii)] 2. Commit the child to the custody of:

18 [1.] A. A parent, relative, or other individual on terms the
19 court considers appropriate; or

20 [2.] B. A local department, the Department of Health and
21 Mental Hygiene, or both, on terms that the court considers appropriate, including
22 designation of the type of facility where the child is to be placed.

23 (2) IF THE COURT FINDS THAT THE CHILD IS IN NEED OF ASSISTANCE
24 SOLELY BECAUSE OF THE CHILD'S NEEDS, CARE, OR TREATMENT AS A RESULT OF A
25 DEVELOPMENTAL DISABILITY OR A MENTAL DISORDER AND THE CHILD'S PARENTS,
26 GUARDIAN, OR CUSTODIAN ARE UNABLE TO PROVIDE THE CARE OR TREATMENT,
27 THE COURT:

28 (I) SHALL MAKE A FINDING AS TO WHETHER REASONABLE
29 EFFORTS WERE MADE TO MEET THE HEALTH AND SAFETY NEEDS OF THE CHILD
30 AND, WHERE POSSIBLE, TO PRESERVE THE FAMILY;

31 (II) SHALL JOIN THE DEPARTMENT OF HEALTH AND MENTAL
32 HYGIENE AS A PARTY;

33 (III) MAY NOT CHANGE THE CHILD'S CUSTODY STATUS; AND

34 (IV) MAY ORDER THE LOCAL DEPARTMENT AND THE DEPARTMENT
35 OF HEALTH AND MENTAL HYGIENE:

1 1. TO DEVELOP AN INDIVIDUAL TREATMENT PLAN FOR THE
2 CHILD, WITH INPUT FROM THE CHILD'S FAMILY, THAT SHALL BE SUBMITTED TO THE
3 COURT WITHIN 30 DAYS; AND

4 2. TO PROVIDE SERVICES TO THE CHILD IN THE LEAST
5 RESTRICTIVE ENVIRONMENT BASED ON THE CHILD'S INDIVIDUAL TREATMENT PLAN.

6 (h) The court may not commit a child for inpatient care and treatment in a
7 psychiatric facility unless the court finds on the record based on clear and convincing
8 evidence that:

9 (1) The child has a mental disorder;

10 (2) The child needs inpatient medical care or treatment for the
11 protection of the child or others;

12 (3) The child is unable or unwilling to be voluntarily admitted to such
13 facility; and

14 (4) There is no less restrictive form of intervention available that is
15 consistent with the child's condition and welfare.

16 (i) The court may not commit a child for inpatient care and treatment in a
17 facility for the developmentally disabled unless the court finds on the record based on
18 clear and convincing evidence that:

19 (1) The child is developmentally disabled;

20 (2) The condition is of such a nature that for the adequate care or
21 protection of the child or others, the child needs in-residence care or treatment; and

22 (3) There is no less restrictive form of care and treatment available that
23 is consistent with the child's welfare and safety.

24 (j) (1) (i) Each commitment order issued under subsection (h) or (i) of this
25 section shall require the custodian to file progress reports with the court at intervals
26 no greater than every 6 months during the life of the order.

27 (ii) The custodian shall provide each party or attorney of record
28 with a copy of each report, which shall be considered at the next scheduled hearing.

29 (iii) After the first 6 months of the commitment and at 6-month
30 intervals thereafter, on the request of any party, the custodian, or the facility, the
31 court shall hold a hearing to determine whether the standards specified in subsection
32 (h) or (i) of this section continue to be met.

33 (2) (i) If an individualized treatment plan developed under § 10-706 of
34 the Health - General Article recommends that a child no longer meets the standards
35 specified in subsection (h) of this section, the court shall grant a hearing to review the
36 commitment order.

1 (ii) The court may grant a hearing at any other time to determine
2 whether the standards specified in subsection (h) of this section continue to be met.

3 (3) (i) If an individualized plan of habilitation developed under §
4 7-1006 of the Health - General Article recommends that a child no longer meets the
5 standards specified in subsection (i) of this section, the court shall grant a hearing to
6 review the commitment order.

7 (ii) The court may grant a hearing at any other time to determine
8 whether the standards specified in subsection (i) of this section continue to be met.

9 3-819.1.

10 (A) UNLESS A PETITION FOR A VOLUNTARY PLACEMENT DISPOSITION
11 HEARING UNDER THIS SUBTITLE IS DISMISSED, THE COURT SHALL HOLD A
12 VOLUNTARY PLACEMENT DISPOSITION HEARING WITHIN 30 DAYS AFTER THE FILING
13 OF THE PETITION TO DETERMINE:

14 (1) WHETHER CONTINUATION OF THE PLACEMENT IS IN THE CHILD'S
15 BEST INTERESTS; AND

16 (2) WHETHER REASONABLE EFFORTS HAVE BEEN MADE TO REUNIFY
17 THE CHILD WITH THE FAMILY OR PLACE THE CHILD IN A TIMELY MANNER IN
18 ACCORDANCE WITH THE CHILD'S PERMANENCY PLAN.

19 (B) IN MAKING A DISPOSITION ON A VOLUNTARY PLACEMENT PETITION
20 UNDER THIS SECTION, THE COURT SHALL:

21 (1) ORDER THE CHILD'S VOLUNTARY PLACEMENT TO BE TERMINATED
22 AND THE CHILD RETURNED TO THE CHILD'S HOME AND PROVIDED WITH AVAILABLE
23 SERVICES AND SUPPORT NEEDED FOR THE CHILD TO REMAIN IN THE HOME;

24 (2) ORDER THE CHILD'S VOLUNTARY PLACEMENT TO CONTINUE IF THE
25 LOCAL DEPARTMENT AND THE CHILD'S PARENT OR GUARDIAN CONTINUE TO AGREE
26 TO THE VOLUNTARY PLACEMENT;

27 (3) SUBJECT TO THE PROVISIONS OF § 3-819 (H), (I), AND (J) OF THIS
28 SUBTITLE, ORDER AN AMENDMENT TO THE VOLUNTARY PLACEMENT AGREEMENT
29 TO ADDRESS THE NEEDS OF THE CHILD; OR

30 (4) IF NECESSARY TO ENSURE THE CARE, PROTECTION, SAFETY, AND
31 MENTAL AND PHYSICAL DEVELOPMENT OF THE CHILD, ORDER THE LOCAL
32 DEPARTMENT TO FILE A CINA PETITION.

33 3-820.

34 (a) After A CINA disposition, when the court has ordered a specific placement
35 of a child, a local department may remove the child from that placement prior to a
36 hearing only if:

1 (1) Removal is required to protect the child from serious immediate
2 danger;

3 (2) The child's continued placement in the court-ordered placement is
4 contrary to the welfare of the child; or

5 (3) The person or agency with whom the child is placed has requested
6 the immediate removal of the child.

7 3-823.

8 (a) In this section, "out-of-home placement" has the meaning stated in §
9 5-501 of the Family Law Article.

10 (b) (1) The court shall hold a permanency planning hearing:

11 (i) No later than 11 months after a child in a CINA proceeding OR
12 A VOLUNTARY PLACEMENT enters an out-of-home placement to determine the
13 permanency plan for the child committed under § 3-819(b) of this subtitle; or

14 (ii) Within 30 days after the court finds that reasonable efforts to
15 reunify a child with the child's parent or guardian are not required based on a finding
16 that a circumstance enumerated in § 3-812 of this subtitle has occurred.

17 (h) (1) (i) Except as provided in subparagraphs (ii) and (iii) of this
18 paragraph, the court shall conduct a hearing to review the permanency plan at least
19 every 6 months until commitment is rescinded OR A VOLUNTARY PLACEMENT IS
20 TERMINATED.

21 (ii) The court shall conduct a review hearing every 12 months after
22 the court determines that the child shall be continued in out-of-home placement with
23 a specific caregiver who agrees to care for the child on a permanent basis.

24 (iii) 1. Unless the court finds good cause, a case shall be
25 terminated after the court grants custody and guardianship of the child to a relative
26 or other individual.

27 2. If the court finds good cause not to terminate a case, the
28 court shall conduct a review hearing every 12 months until the case is terminated.

29 **Article - Family Law**

30 5-501.

31 (a) In this subtitle the following words have the meanings indicated.

32 (b) "Administration" means the Social Services Administration of the
33 Department.

1 (l) "Local department" means a local department of social services for a
2 county.

3 (m) "Out-of-home placement" means placement of a child into foster care,
4 kinship care, group care, or residential treatment care.

5 (R) "VOLUNTARY PLACEMENT AGREEMENT" MEANS A BINDING, WRITTEN
6 AGREEMENT BETWEEN A LOCAL DEPARTMENT AND THE PARENT OR LEGAL
7 GUARDIAN OF A MINOR CHILD WITH AN EMOTIONAL, PHYSICAL, OR
8 DEVELOPMENTAL DISABILITY THAT PROVIDES THAT LEGAL CUSTODY DOES NOT
9 TRANSFER TO THE LOCAL DEPARTMENT AND THAT SPECIFIES, AT A MINIMUM, THE
10 LEGAL STATUS OF THE CHILD AND THE RIGHTS AND OBLIGATIONS OF THE PARENT
11 OR LEGAL GUARDIAN, THE CHILD, AND THE LOCAL DEPARTMENT WHILE THE CHILD
12 IS IN PLACEMENT.

13 5-525.

14 (a) (1) The Administration shall establish a program of out-of-home
15 placement for minor children:

16 [(1)] (I) who are placed in the custody of a local department, for a period
17 of not more than 6 months, by a parent or legal guardian under a written agreement
18 voluntarily entered into with the local department; [or]

19 [(2)] (II) who are abused, abandoned, neglected, or dependent, if a
20 juvenile court:

21 [(i)] 1. has determined that continued residence in the child's
22 home is contrary to the child's welfare; and

23 [(ii)] 2. has committed the child to the custody or guardianship of
24 a local department; OR

25 (III) WHO ARE PLACED WITH A LOCAL DEPARTMENT UNDER A
26 VOLUNTARY PLACEMENT AGREEMENT.

27 (2) (I) THE LOCAL DEPARTMENT MAY NOT SEEK LEGAL CUSTODY OF
28 A CHILD WITH AN EMOTIONAL, PHYSICAL, OR DEVELOPMENTAL DISABILITY WHO IS
29 PLACED IN AN OUT-OF-HOME PLACEMENT UNDER A VOLUNTARY PLACEMENT
30 AGREEMENT IF THE PURPOSE OF THE PLACEMENT IS TO OBTAIN TREATMENT OR
31 CARE RELATED TO THE CHILD'S DISABILITY THAT THE PARENT IS UNABLE TO
32 PROVIDE.

33 (II) A CHILD DESCRIBED IN SUBPARAGRAPH (I) OF THIS
34 PARAGRAPH MAY REMAIN IN AN OUT-OF-HOME PLACEMENT UNDER A VOLUNTARY
35 PLACEMENT AGREEMENT FOR MORE THAN 6 MONTHS IF THE CHILD'S DISABILITY
36 NECESSITATES CARE OR TREATMENT IN THE OUT-OF-HOME PLACEMENT FOR MORE
37 THAN 6 MONTHS AND THE JUVENILE COURT DETERMINES, UNDER § 3-819.1 OF THE
38 COURTS ARTICLE, THAT CONTINUATION OF THE PLACEMENT IS IN THE BEST
39 INTERESTS OF THE CHILD.

1 (c) (1) The local department shall provide 24-hour a day care and
2 supportive services for a child who is committed to its custody or guardianship in an
3 out-of-home placement on a short-term basis OR PLACED IN ACCORDANCE WITH A
4 VOLUNTARY PLACEMENT AGREEMENT.

5 (2) (i) A child may not be committed to the custody or guardianship of
6 a local department and placed in an out-of-home placement solely because the child's
7 parent or guardian lacks shelter OR SOLELY BECAUSE THE CHILD'S PARENTS ARE
8 FINANCIALLY UNABLE TO PROVIDE TREATMENT OR CARE FOR A CHILD WITH AN
9 EMOTIONAL, PHYSICAL, OR DEVELOPMENTAL DISABILITY.

10 (ii) The local department shall make appropriate referrals to
11 emergency shelter services and other services for the homeless family with a child
12 which lacks shelter.

13 (i) The Administration shall adopt regulations that:

14 (1) for the 12-month period beginning on October 1, 1983, and for each
15 subsequent 12-month period, establish specific goals as to the maximum number of
16 children who will remain in foster care for more than 2 years;

17 (2) prohibit a local department from seeking the custody or guardianship
18 of a child for placement in foster care solely because the child's parent or guardian
19 lacks shelter OR SOLELY BECAUSE THE CHILD'S PARENTS ARE FINANCIALLY UNABLE
20 TO PROVIDE TREATMENT OR CARE FOR A CHILD WITH AN EMOTIONAL, PHYSICAL, OR
21 DEVELOPMENTAL DISABILITY; and

22 (3) require the local department to make appropriate referrals to
23 emergency shelter and other services for families with children who lack shelter.

24 5-701.

25 (a) In this subtitle the following words have the meanings indicated.

26 (r) (1) "Neglect" means the leaving of a child unattended or other failure to
27 give proper care and attention to a child by any parent or other person who has
28 permanent or temporary [care or custody] CARE, CUSTODY, or responsibility for
29 supervision of the child under circumstances that indicate:

30 [(1)] (I) that the child's health or welfare is harmed or placed at
31 substantial risk of harm; or

32 [(2)] (II) mental injury to the child or a substantial risk of mental
33 injury.

34 (2) IN THE CASE OF A CHILD WITH A DEVELOPMENTAL DISABILITY OR
35 MENTAL DISORDER, "NEGLECT" DOES NOT INCLUDE THE FAILURE OF THE PARENT
36 OR OTHER PERSON WHO HAS PERMANENT OR TEMPORARY CARE, CUSTODY, OR
37 RESPONSIBILITY FOR THE SUPERVISION OF THE CHILD TO TAKE THE CHILD HOME

1 FROM A HOSPITAL OR OTHER FACILITY BECAUSE OF A REASONABLE FEAR FOR THE
2 SAFETY OF THE CHILD OR THE CHILD'S FAMILY.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2003.