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By: **Senator Jacobs**  
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Committee Report: Favorable with amendments  
Senate action: Adopted  
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CHAPTER \_\_\_\_\_

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 judicial~~  
20 ~~determination; requiring the juvenile court to conduct a certain permanency~~  
21 ~~plan hearing; requiring the Social Services Administration to establish an~~  
22 ~~out-of-home placement program for children in certain voluntary placements;~~  
23 ~~requiring a local department of social services to obtain the approval of the~~  
24 ~~Social Services Administration before offering a certain out-of-home placement;~~  
25 ~~prohibiting a local department from seeking legal custody of a child with certain~~  
26 ~~disabilities under certain circumstances; authorizing a child with certain~~  
27 ~~disabilities to remain in an out-of-home placement for more than a specified~~  
28 ~~period of time under certain circumstances; requiring a local department of~~

1 ~~social services~~ to provide certain services to a child placed in accordance with a  
 2 voluntary placement agreement; prohibiting a child from being committed to the  
 3 custody or guardianship of a local department solely for certain reasons;  
 4 defining certain terms; ~~altering certain definitions~~; making clarifying changes;  
 5 and generally relating to children with disabilities.

6 BY repealing and reenacting, without amendments,

7 Article - Courts and Judicial Proceedings

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

9 Annotated Code of Maryland

10 (2002 Replacement Volume)

11 BY adding to

12 Article - Courts and Judicial Proceedings

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

14 Annotated Code of Maryland

15 (2002 Replacement Volume)

16 BY repealing and reenacting, with amendments,

17 Article - Courts and Judicial Proceedings

18 Section ~~3-801~~, 3-803(a), 3-804(a), 3-805(a), 3-807(a)(4)(i), 3-810(b)(1),

19 3-811(a), 3-817(a), 3-819(a) and (b), 3-820(a), and 3-823(b)(1) and (h)(1)

20 Annotated Code of Maryland

21 (2002 Replacement Volume)

22 ~~BY repealing and reenacting, without amendments,~~

23 ~~Article - Courts and Judicial Proceedings~~

24 ~~Section 3-819(h), (i), and (j) and 3-823(a)~~

25 ~~Annotated Code of Maryland~~

26 ~~(2002 Replacement Volume)~~

27 ~~BY adding to~~

28 ~~Article - Courts and Judicial Proceedings~~

29 ~~Section 3-819.1~~

30 ~~Annotated Code of Maryland~~

31 ~~(2002 Replacement Volume)~~

32 BY repealing and reenacting, without amendments,

33 Article - Family Law

34 Section 5-501(a), (b), (l), and (m) ~~and 5-701(a)~~

35 Annotated Code of Maryland

36 (1999 Replacement Volume and 2002 Supplement)

37 BY adding to

1 Article - Family Law  
 2 Section 5-501(r)  
 3 Annotated Code of Maryland  
 4 (1999 Replacement Volume and 2002 Supplement)

5 BY repealing and reenacting, with amendments,  
 6 Article - Family Law  
 7 Section 5-525(a), (c), and (i), ~~and 5-701(r)~~  
 8 Annotated Code of Maryland  
 9 (1999 Replacement Volume and 2002 Supplement)

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

12 **Article - Courts and Judicial Proceedings**

13 3-801.

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

15 ~~(b) "Abuse" means:~~

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

18 ~~(2) Physical or mental injury of a child under circumstances that~~  
 19 ~~indicate that the child's health or welfare is harmed or is at substantial risk of being~~  
 20 ~~harmed by:~~

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

23 ~~(ii) A household or family member.~~

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

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

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

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

31 ~~(1) The child has been abused, has been neglected, has a developmental~~  
 32 ~~disability, or has a mental disorder; and~~

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

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

4           (h)     "~~CINA DISPOSITION HEARING~~" MEANS A HEARING UNDER THIS SUBTITLE  
5 TO DETERMINE:

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

7           (2)     ~~IF SO, THE NATURE OF THE COURT'S INTERVENTION TO PROTECT~~  
8 ~~THE CHILD'S HEALTH, SAFETY, AND WELL BEING.~~

9           (i)     "Commit" means to transfer custody.

10          {(i)}    (j)     "Court" means the circuit court for a county sitting as the juvenile  
11 court.

12          {(j)}    (k)     "~~Custodian~~" means a person or governmental agency to whom  
13 custody of a child has been given by order of court, including a court other than the  
14 juvenile court.

15          {(k)}    (l)     "~~Custody~~" means the right and obligation, unless otherwise  
16 determined by the court, to provide ordinary care for a child and determine  
17 placement.

18          {(l)}    (m)     "~~Developmental disability~~" means a severe chronic disability of an  
19 individual that:

20               (1)     ~~Is attributable to a physical or mental impairment, other than the~~  
21 ~~sole diagnosis of mental illness, or to a combination of mental and physical~~  
22 ~~impairments;~~

23               (2)     ~~Is likely to continue indefinitely;~~

24               (3)     ~~Results in an inability to live independently without external support~~  
25 ~~or continuing and regular assistance; and~~

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

29          {(m)}    "Disposition hearing" means a hearing under this subtitle to determine:

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

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

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

1 (6) "Guardianship" means an award by a court, including a court other than  
 2 the juvenile court, of the authority to make ordinary and emergency decisions as to  
 3 the child's care, welfare, education, physical and mental health, and the right to  
 4 pursue support.

5 (P) ~~"INDIVIDUAL TREATMENT PLAN" MEANS A COURT ORDERED PLAN  
 6 DEVELOPED FOR A CHILD WITH A DEVELOPMENTAL DISABILITY OR A MENTAL  
 7 DISORDER THAT INCLUDES ALL APPROPRIATE AND NECESSARY SERVICES,  
 8 INCLUDING HOME AND COMMUNITY BASED SERVICES, TREATMENT, AND SUPPORT  
 9 TO MEET THE NEEDS OF THE CHILD AND THAT IDENTIFIES EACH STATE OR LOCAL  
 10 AGENCY OR PRIVATE RESOURCE THAT WILL PROVIDE AND PAY FOR EACH SERVICE.~~

11 (Q) "LEAST RESTRICTIVE ENVIRONMENT" MEANS:

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

13 (2) ~~WHEN THE INDIVIDUAL NEEDS OF THE CHILD CANNOT REASONABLY  
 14 BE MET IN THE FAMILY HOME, THE MOST HOMELIKE SETTING FOR THE CHILD, WITH  
 15 A PREFERENCE FOR RESIDENCE IN THE SAME COMMUNITY AS THE CHILD'S FAMILY  
 16 SO THE CHILD MAY CONTINUE TO ATTEND THE SAME SCHOOL AND MAINTAIN  
 17 MAXIMUM CONTACT WITH THE CHILD'S FAMILY AND COMMUNITY.~~

18 ~~{(p)}~~ (R) "Local department" means the local department of social services for  
 19 the county in which the court is located.

20 ~~{(q)}~~ (S) (1) "Mental disorder" means a behavioral or emotional illness that  
 21 results from a psychiatric or neurological disorder.

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

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

27 ~~{(r)}~~ (T) "Mental injury" means the observable, identifiable, and substantial  
 28 impairment of a child's mental or psychological ability to function.

29 ~~{(s)}~~ (U) "Neglect" means the leaving of a child unattended or other failure to  
 30 give proper care and attention to a child by any parent or individual who has  
 31 permanent or temporary care or custody or responsibility for supervision of the child  
 32 under circumstances that indicate:

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

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

1    ~~{(t)}~~    (V)    "Parent" means a natural or adoptive parent whose parental rights  
2 have not been terminated.

3    ~~{(u)}~~    (W)    (1)    "Party" means:

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

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

6                           (iii)   The petitioner; or

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

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

9    ~~{(v)}~~    (X)    (1)    "Sexual abuse" means an act that involves sexual molestation  
10 or sexual exploitation of a child by:

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

13                           (ii)   A household or family member.

14                   (2)    "Sexual abuse" includes:

15                           (i)    Incest;

16                           (ii)   Rape;

17                           (iii)   Sexual offense in any degree;

18                           (iv)   Sodomy; and

19                           (v)    Unnatural or perverted sexual practices.

20   ~~{(w)}~~    (Y)    "Shelter care" means a temporary placement of a child outside of the  
21 home at any time before disposition.

22   ~~{(x)}~~    (Z)    "Shelter care hearing" means a hearing held before disposition to  
23 determine whether the temporary placement of the child outside of the home is  
24 warranted.

25   ~~{(y)}~~    (AA)   "TPR proceeding" means a proceeding to terminate parental rights.

26   ~~(BB)~~    (Z)    "VOLUNTARY PLACEMENT" MEANS A PLACEMENT IN ACCORDANCE  
27 WITH § 5-525 5-525(A)(1)(I) OR (III) OF THE FAMILY LAW ARTICLE.

28   ~~(CC)~~    (AA)   "VOLUNTARY PLACEMENT ~~DISPOSITION~~ HEARING" MEANS A  
29 HEARING TO OBTAIN A JUDICIAL DETERMINATION AS TO WHETHER CONTINUING A  
30 VOLUNTARY PLACEMENT IS IN THE BEST INTERESTS OF THE CHILD.

1 3-803.

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

4 (1) VOLUNTARY PLACEMENT ~~DISPOSITION~~ HEARINGS;

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

6 [(2)] (3) Proceedings arising under the Interstate Compact on the  
7 Placement of Children;

8 [(3)] (4) Proceedings to terminate parental rights after a CINA  
9 proceeding;

10 [(4)] (5) Guardianship review proceedings after a TPR proceeding; and

11 [(5)] (6) Adoption proceedings, if any, after a TPR proceeding.

12 3-804.

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

16 3-805.

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

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

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

21 (2) A VOLUNTARY PLACEMENT PETITION ~~REQUESTING A VOLUNTARY~~  
22 ~~DISPOSITION HEARING~~ SHALL BE FILED IN THE COUNTY WHERE THE PARENT OR  
23 LEGAL GUARDIAN RESIDES.

24 3-807.

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

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

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

1 3. VOLUNTARY PLACEMENT ~~DISPOSITION~~ HEARINGS UNDER  
2 THIS SUBTITLE.

3 3-810.

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

8 3-811.

9 (a) (1) A CINA petition under this subtitle shall allege that a child is in need  
10 of assistance ~~OR REQUIRES A VOLUNTARY PLACEMENT DISPOSITION HEARING~~ and  
11 shall set forth in clear and simple language the facts supporting that allegation.

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

16 3-817.

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

19 3-819.

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

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

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

29 (b) (4) In making a disposition on a CINA petition under this subtitle, the  
30 court shall:

31 (1) (4) Find that the child is not in need of assistance and, except as  
32 provided in subsection (e) of this section, dismiss the case; or

33 (2) (4) Find that the child is in need of assistance and:

34 (i) 4. Not change the child's custody status; or

35 (ii) 2. Commit the child to the custody of:



1    {1.}     A.     A parent, relative, or other individual on terms the  
2 court considers appropriate; or

3    {2.}     B.     A local department, the Department of Health and  
4 Mental Hygiene, or both, on terms that the court considers appropriate, including  
5 designation of the type of facility where the child is to be placed.

6    ~~(2)     IF THE COURT FINDS THAT THE CHILD IS IN NEED OF ASSISTANCE  
7 SOLELY BECAUSE OF THE CHILD'S NEEDS, CARE, OR TREATMENT AS A RESULT OF A  
8 DEVELOPMENTAL DISABILITY OR A MENTAL DISORDER AND THE CHILD'S PARENTS,  
9 GUARDIAN, OR CUSTODIAN ARE UNABLE TO PROVIDE THE CARE OR TREATMENT,  
10 THE COURT:~~

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

14   ~~(II)    SHALL JOIN THE DEPARTMENT OF HEALTH AND MENTAL  
15 HYGIENE AS A PARTY;~~

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

17   ~~(IV)   MAY ORDER THE LOCAL DEPARTMENT AND THE DEPARTMENT  
18 OF HEALTH AND MENTAL HYGIENE:~~

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

22   ~~2.     TO PROVIDE SERVICES TO THE CHILD IN THE LEAST  
23 RESTRICTIVE ENVIRONMENT BASED ON THE CHILD'S INDIVIDUAL TREATMENT PLAN.~~

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

27   ~~(1)    The child has a mental disorder;~~

28   ~~(2)    The child needs inpatient medical care or treatment for the  
29 protection of the child or others;~~

30   ~~(3)    The child is unable or unwilling to be voluntarily admitted to such  
31 facility; and~~

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

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

1 (1) The child is developmentally disabled;

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

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

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

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

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

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

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

21 (3) (i) ~~If an individualized plan of habilitation developed under §~~  
22 ~~7-1006 of the Health—General Article recommends that a child no longer meets the~~  
23 ~~standards specified in subsection (i) of this section, the court shall grant a hearing to~~  
24 ~~review the commitment order.~~

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

27 3-819.1.

28 (A) UNLESS A PETITION FOR A VOLUNTARY PLACEMENT DISPOSITION  
29 HEARING UNDER THIS SUBTITLE IS DISMISSED, THE COURT SHALL HOLD A  
30 VOLUNTARY PLACEMENT DISPOSITION HEARING WITHIN 30 DAYS AFTER THE FILING  
31 OF THE PETITION TO DETERMINE: WITHIN 30 DAYS AFTER A VOLUNTARY  
32 PLACEMENT PETITION IS FILED, THE COURT SHALL HOLD A VOLUNTARY  
33 PLACEMENT HEARING AND SHALL MAKE FINDINGS AS TO:

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

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

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

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

9 (2) ORDER THE CHILD'S VOLUNTARY PLACEMENT TO CONTINUE IF THE  
10 LOCAL DEPARTMENT AND THE CHILD'S PARENT OR GUARDIAN CONTINUE TO AGREE  
11 TO THE VOLUNTARY PLACEMENT;

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

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

18 3-820.

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

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

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

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

28 3-823.

29 (a) In this section, "out-of-home placement" has the meaning stated in §  
30 5-501 of the Family Law Article.

31 (b) (1) The court shall hold a permanency planning hearing TO DETERMINE  
32 THE PERMANENCY PLAN FOR A CHILD:

33 (i) No later than 11 months after a child ~~in a CINA proceeding OR~~  
34 COMMITTED UNDER § 3-819.1(B) OF THIS SUBTITLE OR CONTINUED IN A VOLUNTARY  
35 PLACEMENT UNDER § 3-819.1(B) OF THIS SUBTITLE enters an out-of-home placement

1 to determine the permanency plan for the child committed under § 3-819(b) of this  
2 subtitle; or

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

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

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

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

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

18 **Article - Family Law**

19 5-501.

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

21 (b) "Administration" means the Social Services Administration of the  
22 Department.

23 (l) "Local department" means a local department of social services for a  
24 county.

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

27 (R) "VOLUNTARY PLACEMENT AGREEMENT" MEANS A BINDING, WRITTEN  
28 AGREEMENT VOLUNTARILY ENTERED INTO BETWEEN A LOCAL DEPARTMENT AND  
29 THE PARENT OR LEGAL GUARDIAN OF A MINOR CHILD WITH AN EMOTIONAL,  
30 PHYSICAL, OR DEVELOPMENTAL DISABILITY THAT PROVIDES THAT LEGAL CUSTODY  
31 DOES NOT TRANSFER TO THE LOCAL DEPARTMENT AND THAT SPECIFIES, AT A  
32 MINIMUM, THE LEGAL STATUS OF THE CHILD AND THE RIGHTS AND OBLIGATIONS  
33 OF THE PARENT OR LEGAL GUARDIAN, THE CHILD, AND THE LOCAL DEPARTMENT  
34 WHILE THE CHILD IS IN PLACEMENT.

1 5-525.

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

4 [(1)] (I) who are placed in the custody of a local department, for a period  
5 of not more than ~~6 months~~ 180 DAYS, by a parent or legal guardian under a ~~written~~  
6 ~~agreement voluntarily entered into with the local department;~~ VOLUNTARY  
7 PLACEMENT AGREEMENT; [or]

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

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

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

14 (III) ~~WHO ARE PLACED WITH A LOCAL DEPARTMENT UNDER A~~  
15 ~~VOLUNTARY PLACEMENT AGREEMENT WHO, WITH THE APPROVAL OF THE~~  
16 ~~ADMINISTRATION, ARE PLACED IN AN OUT-OF-HOME PLACEMENT BY A LOCAL~~  
17 ~~DEPARTMENT UNDER A VOLUNTARY PLACEMENT AGREEMENT SUBJECT TO~~  
18 ~~PARAGRAPH (2) OF THIS SUBSECTION.~~

19 (2) (I) ~~THE LOCAL DEPARTMENT MAY NOT SEEK LEGAL CUSTODY OF~~  
20 ~~A CHILD WITH AN EMOTIONAL, PHYSICAL, OR DEVELOPMENTAL DISABILITY WHO IS~~  
21 ~~PLACED IN AN OUT-OF-HOME PLACEMENT UNDER A VOLUNTARY PLACEMENT~~  
22 ~~AGREEMENT IF THE PURPOSE OF THE PLACEMENT IS TO OBTAIN TREATMENT OR~~  
23 ~~CARE RELATED TO THE CHILD'S DISABILITY THAT THE PARENT IS UNABLE TO~~  
24 ~~PROVIDE.~~

25 (II) ~~A CHILD DESCRIBED IN SUBPARAGRAPH (I) OF THIS~~  
26 ~~PARAGRAPH MAY REMAIN IN AN OUT-OF-HOME PLACEMENT UNDER A VOLUNTARY~~  
27 ~~PLACEMENT AGREEMENT FOR MORE THAN 6 MONTHS IF THE CHILD'S DISABILITY~~  
28 ~~NECESSITATES CARE OR TREATMENT IN THE OUT-OF-HOME PLACEMENT FOR MORE~~  
29 ~~THAN 6 MONTHS AND THE JUVENILE COURT DETERMINES, UNDER § 3-819.1 OF THE~~  
30 ~~COURTS ARTICLE, THAT CONTINUATION OF THE PLACEMENT IS IN THE BEST~~  
31 ~~INTERESTS OF THE CHILD A LOCAL DEPARTMENT MAY NOT SEEK LEGAL CUSTODY~~  
32 ~~OF A CHILD UNDER A VOLUNTARY PLACEMENT AGREEMENT IF THE CHILD HAS A~~  
33 ~~DEVELOPMENTAL DISABILITY OR A MENTAL ILLNESS AND THE PURPOSE OF THE~~  
34 ~~VOLUNTARY PLACEMENT AGREEMENT IS TO OBTAIN TREATMENT OR CARE RELATED~~  
35 ~~TO THE CHILD'S DISABILITY THAT THE PARENT IS UNABLE TO PROVIDE.~~

36 (II) A CHILD DESCRIBED IN SUBPARAGRAPH (I) OF THIS  
37 PARAGRAPH MAY REMAIN IN AN OUT-OF-HOME PLACEMENT UNDER A VOLUNTARY  
38 PLACEMENT AGREEMENT FOR MORE THAN 180 DAYS IF THE CHILD'S DISABILITY  
39 NECESSITATES CARE OR TREATMENT IN THE OUT-OF-HOME PLACEMENT AND A  
40 JUVENILE COURT MAKES A FINDING THAT CONTINUATION OF THE PLACEMENT IS IN  
41 THE BEST 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~~ A DEVELOPMENTAL DISABILITY OR MENTAL ILLNESS.

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 A DEVELOPMENTAL DISABILITY OR MENTAL ILLNESS; 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 ~~(+) (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.