

Department of Legislative Services  
Maryland General Assembly  
2004 Session

FISCAL AND POLICY NOTE

House Bill 1159  
Judiciary

(Delegate Boteler, *et al.*)

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Family Law - Termination of Parental Rights and Adoption - Rights of Foster  
Parents

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This bill adds to the rights of foster parents the right to adopt a child who has been placed in the foster parent's home for at least a year unless a relative of a natural parent of the adoptee has an interest in adopting the child. It also reduces the number of months from 15 to 12 in the most recent 22 months that a child may be in an out-of-home placement before the local department of social services must file a petition to terminate parental rights or join a termination of parental rights action that has been filed.

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Fiscal Summary

**State Effect:** Any change in State activities would not materially affect State finances.

**Local Effect:** None.

**Small Business Effect:** None.

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Analysis

**Current Law:** Foster parents have the following rights in Maryland:

- the right to receive full information on the physical, social, emotional, educational, and mental history of a child which could possibly affect the child's care, except for privileged or confidential information about family members;
- with regard to local department of social services case planning: (1) be notified of and heard at scheduled meetings and staffings concerning a child, without

superceding the natural parent's rights; (2) be informed of court or child welfare agency decisions concerning the child; and (3) provide input concerning the child's plan of services; and

- the right to be given reasonable written notice of plans to terminate the child's placement with the foster parent, except in cases of court order where the child is determined to be at imminent risk of harm.

A local department of social services to which a child is committed must file a petition for termination of parental rights or join a termination of parental rights action if: (1) the child has been in an out-of-home placement for 15 of the most recent 22 months; (2) a court finds that the child is an abandoned infant; or (3) a court finds that the natural parent has been convicted of a crime of violence.

A child is considered to have entered an out-of-home placement 30 days after the child is placed there. A local department is not required to file a petition or join an action if: (1) the child is being cared for by a relative; (2) the local department has documented a compelling reason why terminating parental rights would not be in the child's best interests; or (3) the local department has not provided services to the family that is necessary for the child's safe return to the child's home.

**Background:** The Department of Human Resources states that the only individuals that are given priority consideration for adoptive placements are relatives and families who are willing to adopt the child and his or her sibling group.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Human Resources, Department of Legislative Services

**Fiscal Note History:** First Reader - March 15, 2004  
ncs/hlb

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