
By: **Delegates Conway, Anderson, Doory, and McIntosh**

Introduced and read first time: February 11, 2005

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Treatment Foster Care - Placement of Sibling**

3 FOR the purpose of requiring the Social Services Administration to place the sibling
4 of a child in treatment foster care who is also in an out-of-home placement in
5 the same home as the child if the Administration finds that placement of the
6 sibling and the child together is in the best interests of both children; and
7 generally relating to the program of out-of-home placement for children.

8 BY repealing and reenacting, with amendments,
9 Article - Family Law
10 Section 5-525(a)
11 Annotated Code of Maryland
12 (2004 Replacement Volume)

13 BY repealing and reenacting, without amendments,
14 Article - Family Law
15 Section 5-525(e)(1)
16 Annotated Code of Maryland
17 (2004 Replacement Volume)

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

20 **Article - Family Law**

21 5-525.

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

24 (i) who are placed in the custody of a local department, for a period
25 of not more than 180 days, by a parent or legal guardian under a voluntary placement
26 agreement;

1 (ii) who are abused, abandoned, neglected, or dependent, if a
2 juvenile court:

3 1. has determined that continued residence in the child's
4 home is contrary to the child's welfare; and

5 2. has committed the child to the custody or guardianship of
6 a local department; or

7 (iii) who, with the approval of the Administration, are placed in an
8 out-of-home placement by a local department under a voluntary placement
9 agreement subject to paragraph (2) of this subsection.

10 (2) (i) A local department may not seek legal custody of a child under
11 a voluntary placement agreement if the child has a developmental disability or a
12 mental illness and the purpose of the voluntary placement agreement is to obtain
13 treatment or care related to the child's disability that the parent is unable to provide.

14 (ii) A child described in subparagraph (i) of this paragraph may
15 remain in an out-of-home placement under a voluntary placement agreement for
16 more than 180 days if the child's disability necessitates care or treatment in the
17 out-of-home placement and a juvenile court makes a finding that continuation of the
18 placement is in the best interests of the child.

19 (III) THE SIBLING OF A CHILD DESCRIBED IN SUBPARAGRAPH (I) OF
20 THIS PARAGRAPH WHO IS ALSO IN AN OUT-OF-HOME PLACEMENT UNDER THIS
21 SUBSECTION SHALL BE PLACED IN THE SAME HOME WITH THE CHILD IF THE
22 ADMINISTRATION FINDS THAT THE PLACEMENT OF THE SIBLING AND THE CHILD
23 TOGETHER IS IN THE BEST INTERESTS OF BOTH CHILDREN.

24 (e) (1) In developing a permanency plan for a child in an out-of-home
25 placement, the local department of social services shall give primary consideration to
26 the best interests of the child. The local department shall consider the following
27 factors in determining the permanency plan that is in the best interests of the child:

28 (i) the child's ability to be safe and healthy in the home of the
29 child's parent;

30 (ii) the child's attachment and emotional ties to the child's natural
31 parents and siblings;

32 (iii) the child's emotional attachment to the child's current caregiver
33 and the caregiver's family;

34 (iv) the length of time the child has resided with the current
35 caregiver;

36 (v) the potential emotional, developmental, and educational harm
37 to the child if moved from the child's current placement; and

1 (vi) the potential harm to the child by remaining in State custody
2 for an excessive period of time.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 July 1, 2005.