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

Introduced and read first time: February 11, 2005

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 24, 2005

CHAPTER _____

1 AN ACT concerning

2 **Family Law - ~~Treatment Foster Care Children in Out-of-Home Placements~~ -**
 3 **Placement of ~~Sibling~~ Siblings**

4 FOR the purpose of requiring the ~~Social Services Administration to place the sibling~~
 5 ~~of a child in treatment foster care who is also in an out-of-home placement in~~
 6 ~~the same home as the child if the Administration finds that placement of the~~
 7 ~~sibling and the child together is in the best interests of both children; and~~
 8 ~~generally relating to the program of out-of-home placement for children~~ a local
 9 department of social services to place together siblings who are in an
 10 out-of-home placement under certain circumstances; authorizing a local
 11 department of social services to place together siblings who are in an
 12 out-of-home placement together under certain circumstances; and generally
 13 relating to children in out-of-home placements.

14 BY repealing and reenacting, ~~with~~ without amendments,
 15 Article - Family Law
 16 Section 5-525(a) and (e)
 17 Annotated Code of Maryland
 18 (2004 Replacement Volume)

19 BY repealing and reenacting, ~~without~~ with amendments,
 20 Article - Family Law
 21 Section ~~5-525(e)(1)~~ 5-525.2
 22 Annotated Code of Maryland
 23 (2004 Replacement Volume)

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

3 **Article - Family Law**

4 5-525.

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

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

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

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

14 2. has committed the child to the custody or guardianship of
15 a local department; or

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

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

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

28 ~~(III) THE SIBLING OF A CHILD DESCRIBED IN SUBPARAGRAPH (I) OF~~
29 ~~THIS PARAGRAPH WHO IS ALSO IN AN OUT OF HOME PLACEMENT UNDER THIS~~
30 ~~SUBSECTION SHALL BE PLACED IN THE SAME HOME WITH THE CHILD IF THE~~
31 ~~ADMINISTRATION FINDS THAT THE PLACEMENT OF THE SIBLING AND THE CHILD~~
32 ~~TOGETHER IS IN THE BEST INTERESTS OF BOTH CHILDREN.~~

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

- 1 (i) the child's ability to be safe and healthy in the home of the
2 child's parent;
- 3 (ii) the child's attachment and emotional ties to the child's natural
4 parents and siblings;
- 5 (iii) the child's emotional attachment to the child's current caregiver
6 and the caregiver's family;
- 7 (iv) the length of time the child has resided with the current
8 caregiver;
- 9 (v) the potential emotional, developmental, and educational harm
10 to the child if moved from the child's current placement; and
- 11 (vi) the potential harm to the child by remaining in State custody
12 for an excessive period of time.

13 5-525.2.

14 (A) (1) A LOCAL DEPARTMENT SHALL PLACE TOGETHER SIBLINGS WHO ARE
15 IN AN OUT-OF-HOME PLACEMENT UNDER § 5-525 OF THIS SUBTITLE IF:

16 (I) IT IS IN THE BEST INTERESTS OF THE SIBLINGS TO BE PLACED
17 TOGETHER; AND

18 (II) PLACEMENT OF THE SIBLINGS TOGETHER DOES NOT CONFLICT
19 WITH A SPECIFIC HEALTH OR SAFETY REGULATION.

20 (2) IF PLACEMENT OF THE SIBLINGS TOGETHER CONFLICTS WITH A
21 SPECIFIC HEALTH OR SAFETY REGULATION, THE LOCAL DEPARTMENT MAY PLACE
22 THE SIBLINGS TOGETHER IF THE LOCAL DEPARTMENT MAKES A WRITTEN FINDING
23 DESCRIBING HOW PLACEMENT OF THE SIBLINGS TOGETHER SERVES THE BEST
24 INTERESTS OF THE SIBLINGS.

25 [(a)] (B) (1) Any siblings who are separated due to a foster care or adoptive
26 placement may petition a court, including a juvenile court with jurisdiction over one
27 or more of the siblings, for reasonable sibling visitation rights.

28 [(b)] (2) If a petitioner under this [section] SUBSECTION petitions a court to
29 issue a visitation decree or to amend an order, the court:

30 [(1)] (I) may hold a hearing to determine whether visitation is in the
31 best interest of the children;

32 [(2)] (II) shall weigh the relative interests of each child and base its
33 decision on the best interests of the children promoting the greatest welfare and least
34 harm to the children; and

35 [(3)] (III) may issue an appropriate order or decree.

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