

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 1271

(Delegate Boteler, *et al.*)

Judiciary

Family Law - Rights of Foster Parents

This bill adds to the rights of foster parents the right to primary consideration as an adoptive parent when: (1) the options of returning the child home or placement with a relative, kinship care parent, or kinship caregiver have been considered and ruled out; and (2) the child has been placed in the foster parent's home for at least one continuous year. The bill also expands the definition of "kinship care" to include the continuous 24-hour care of a child in the home of a person who makes up the family support system, such as a godparent, who has a strong kinship bond with the child, and who is approved by a child placement agency to care for the child. A "kinship caregiver" is defined as an individual whose relationship to a child is beyond the fifth degree of consanguinity or affinity, such as a godparent, who has a strong kinship bond with the child and who is approved by a child placement agency to care for the child.

Fiscal Summary

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

Local Effect: None.

Small Business Effect: None.

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, the right to: (1) be notified of and heard at scheduled meetings and staffings concerning a child, without superceding the natural parents' 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 are 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.

Additional Information

Prior Introductions: A similar bill, HB 1159 of 2004, had a hearing in the Judiciary Committee and then was withdrawn.

Cross File: None.

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

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mam/ljm

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