

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1336

(Delegate Conway, *et al.*)

Judiciary

Judicial Proceedings

Family Law - Children in Out-of-Home Placements - Placement of Siblings

This bill requires a local department of social services to place siblings together who are in an out-of-home placement if it is in the siblings' best interests and placement together does not conflict with a specific health or safety regulation. If the placement of siblings together does conflict with a specific health or safety regulation, the local department may place the siblings together if the local department makes a written finding describing how placing the siblings together serves the siblings' best interests.

The bill takes effect July 1, 2005.

Fiscal Summary

State Effect: None. The change would not directly affect governmental finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Any siblings separated due to a foster care or adoptive placement may petition the court for reasonable sibling visitation rights. If a petitioner petitions a court to issue a visitation decree or to amend an order, the court: (1) may hold a hearing to determine whether visitation is in the best interests of the children; (2) must weigh the relative interests of each child and base its decision on the best interests of the children

promoting the greatest welfare and least harm to the children; and (3) may issue an appropriate order or decree.

A local department of social services may not seek custody of a child under a voluntary placement agreement if the child has a developmental disability or a mental illness and the purpose of the voluntary placement is to obtain treatment or care related to the child's disability that the parent is unable to provide. A child may remain in an out-of-home placement under a voluntary placement agreement for more than 180 days if the child's disability necessitates care or treatment in the out-of-home placement and a juvenile court makes a finding that continuing the placement is in the child's best interests.

Background: Local departments of social services are under DHR regulatory obligation to make efforts to place siblings together regardless of the reason the children have entered care. Due to extreme treatment needs, these children cannot always be placed in a home setting. If such a child is placed in a treatment foster home, regulations already allow for an exception to the two-bed limitation for placing siblings together.

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 9, 2005
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Analysis by: Lisa A. Daigle

Direct Inquiries to:
(410) 946-5510
(301) 970-5510