

SENATE BILL 431

O4, D4

71r1449

By: **Senator Kelley**

Introduced and read first time: February 2, 2007

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 14, 2007

CHAPTER _____

1 AN ACT concerning

2 **Children - Out-of-Home ~~Placement~~ Care Review Boards - Case Reviews**

3 FOR the purpose of requiring the State Citizens Review Board for Children to conduct
4 certain case reviews to assist certain State and local agencies in determining
5 whether certain child protection responsibilities are being effectively carried
6 out; requiring certain case reviews to include certain questions designed to meet
7 certain quality assessment goals for certain casework services; requiring the
8 State Board to tabulate certain case review results and to submit certain results
9 for ~~review~~ consideration as part of a certain self-assessment process; requiring
10 the State Board or its designee to hold certain community forums for certain
11 purposes; requiring the State Board to coordinate its activities with the State
12 Child Fatality Review Team and certain local child fatality review teams to
13 avoid duplication of certain efforts; requiring the State Board to submit a
14 certain report or reports containing certain information to the General
15 Assembly and the Secretary of Human Resources on or before a certain date
16 each year; requiring the Secretary of Human Resources to send a certain
17 response to the State Board within a certain number of days after receiving a
18 certain report; providing for the election and term of a vice chair of the State
19 Board; altering the powers and duties of the State Board; requiring certain
20 memoranda of understanding to be executed by certain governing bodies of
21 certain counties under certain circumstances; altering the membership of a local

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 citizens review panel; providing for the term of a member of a local citizens
 2 review panel; requiring certain local panels to carry out certain case reviews;
 3 prohibiting members of certain local panels from receiving compensation;
 4 subjecting members of certain local panels to certain standards of
 5 confidentiality; establishing the goals of a local board of review for minor
 6 children in out-of-home care; requiring certain local boards to review certain
 7 children in out-of-home care in accordance with certain regulations adopted by
 8 the State Board and the Secretary; requiring certain regulations to provide for
 9 the frequency of certain reviews; requiring certain case review reports to include
 10 certain information; authorizing certain case reviews to include certain
 11 questions; making certain stylistic changes; altering a certain definition;
 12 defining a certain term; and generally relating to ~~the case reviews and Out-of-~~
 13 ~~Home Placement Review Boards~~ State and local review boards.

14 BY repealing and reenacting, with amendments,
 15 Article – Family Law
 16 Section 5–501, 5–537, 5–538, 5–539, 5–539.1, 5–539.2, 5–540, 5–541, 5–542,
 17 5–543, 5–544, 5–545, and 5–547
 18 Annotated Code of Maryland
 19 (2006 Replacement Volume)

20 BY repealing and reenacting, without amendments,
 21 Article – Family Law
 22 Section 5–535, 5–536, 5–539.3, and 5–546
 23 Annotated Code of Maryland
 24 (2006 Replacement Volume)

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

27 **Article – Family Law**

28 5–501.

29 (a) In this subtitle the following words have the meanings indicated.

30 (b) “Administration” means the Social Services Administration of the
 31 Department.

32 (d) “Day care provider” means the adult who has primary responsibility for
 33 the operation of a family day care home.

1 (e) "Family day care" means the care given to a child under the age of 13
2 years or to any developmentally disabled person under the age of 21 years, in place of
3 parental care for less than 24 hours a day, in a residence other than the child's
4 residence, for which the day care provider is paid.

5 (f) "Family day care home" means a residence in which family day care is
6 provided.

7 (g) "Foster care" means continuous 24-hour care and supportive services
8 provided for a minor child placed by a child placement agency in an approved family
9 home.

10 (h) "Group care" means continuous 24-hour care and supportive services
11 provided for a minor child placed in a licensed group facility.

12 (i) "Kinship care" means continuous 24-hour care and supportive services
13 provided for a minor child placed by a child placement agency in the home of a relative
14 related by blood or marriage within the 5th degree of consanguinity or affinity under
15 the civil law rule.

16 (j) (1) "License" means a license issued by the Administration under this
17 subtitle.

18 (2) "License" includes:

19 (i) a child placement agency license;

20 (ii) a child care home license;

21 (iii) a child care institution license; and

22 (iv) a residential educational facility license.

23 (k) "Local board" means a local citizen board of review ~~of foster care~~ for
24 children IN OUT-OF-HOME CARE.

25 (L) **"OUT-OF-HOME CARE" MEANS:**

26 **(1) OUT-OF-HOME PLACEMENT; AND**

27 **(2) THE MONITORING OF AND SERVICES PROVIDED TO A CHILD IN**
28 **AFTERCARE FOLLOWING A CHILD'S OUT-OF-HOME PLACEMENT.**

1 (m) “Out-of-home placement” means placement of a child into foster care,
2 kinship care, group care, or residential treatment care.

3 (n) “Residential educational facility” means:

4 (1) a facility that:

5 (i) provides special education and related services for students
6 with disabilities;

7 (ii) holds a certificate of approval issued by the State Board of
8 Education; and

9 (iii) provides continuous 24-hour care and supportive services to
10 children in a residential setting; or

11 (2) one of the following schools:

12 (i) the Benedictine School;

13 (ii) the Linwood School;

14 (iii) the Maryland School for the Blind; or

15 (iv) the Maryland School for the Deaf.

16 (o) “Residential treatment care” means continuous 24-hour care and
17 supportive services for a minor child placed in a facility that provides formal programs
18 of basic care, social work, and health care services.

19 (p) “State Board” means the State [Citizen Board of Review of Foster Care]
20 **CITIZENS REVIEW BOARD** for Children.

21 (q) “Unregistered family day care home” means a residence in which family
22 day care is provided and in which the day care provider:

23 (1) has not obtained a certificate of registration from the Department;

24 (2) is not related by blood or marriage to each child in the provider’s
25 care;

1 (3) is not a friend of each child's parents or legal guardian and is
2 providing care on a regular basis; and

3 (4) has not received the care of the child from a child placement
4 agency licensed by the Administration or by a local department.

5 (r) "Voluntary placement agreement" means a binding, written agreement
6 voluntarily entered into between a local department and the parent or legal guardian
7 of a minor child that specifies, at a minimum, the legal status of the child and the
8 rights and obligations of the parent or legal guardian, the child, and the local
9 department while the child is in placement.

10 5-535.

11 There is a State Citizens Review Board for Children.

12 5-536.

13 (a) (1) The State Board consists of 11 members.

14 (2) Of the 11 members:

15 (i) 1 shall be appointed by the Governor from the Governor's
16 staff;

17 (ii) 3 shall be from the eighth judicial circuit, to be chosen by
18 and from among the members of the local boards in the circuit; and

19 (iii) 1 shall be from each of the remaining judicial circuits, to be
20 chosen by and from among the members of the local boards in the respective circuits.

21 (b) (1) The term of a member is 2 years.

22 (2) A member may not serve on the State Board beyond the completion
23 of the term of the member on the local board.

24 (3) At the end of a term, a member continues to serve until a successor
25 is appointed and qualifies.

26 (4) A member who is appointed after a term has begun serves only for
27 the rest of the term and until a successor is appointed and qualifies.

28 5-537.

1 (a) From among its members, the State Board shall elect a [chairman]
2 **CHAIR AND A VICE CHAIR** by majority vote.

3 (b) (1) The [term] **TERMS** of the [chairman is] **CHAIR AND VICE CHAIR**
4 **ARE** 2 years.

5 (2) At the end of a term, the [chairman] **CHAIR OR VICE CHAIR**
6 continues to serve until a successor is elected.

7 5-538.

8 (a) The State Board shall meet not less than once every 3 months and more
9 frequently on the call of the [chairman] **CHAIR**.

10 (b) A member of the State Board:

11 (1) may not receive compensation; but

12 (2) is entitled to reimbursement for expenses under the Standard
13 State Travel Regulations, as provided in the State budget.

14 (c) The State Board may employ a staff in accordance with the State budget.

15 5-539.

16 (a) [(1)] The State Board may adopt policies and procedures that:

17 [(i)] (1) relate to the functions of the local boards; and

18 [(ii)] (2) are consistent with the goals set forth in § 5-544 of
19 this subtitle.

20 [(2) If the Administration concurs, the State Board may establish
21 categories of children in out-of-home placement for whom a satisfactory permanent
22 placement has been made and who may be exempt from review by the local boards.]

23 (b) The State Board shall:

24 (1) provide a training program for members of the local boards and
25 local citizens review panels;

- 1 (2) review and coordinate the activities of the local boards;
- 2 (3) adopt policies and procedures that relate to reports and any other
3 information that is required for any public or private agency or institution;
- 4 (4) make recommendations to the **SECRETARY AND THE** General
5 Assembly [that relate to] **REGARDING:**
- 6 (I) **THE RESPONSE OF THE STATE TO CHILD ABUSE AND**
7 **NEGLECT; AND**
- 8 (II) out-of-home ~~placement~~ **CARE** policies, ~~and~~ procedures, **AND**
9 **PRACTICES;** and
- 10 (5) subject to § 2-1246 of the State Government Article, report to the
11 General Assembly **AND THE SECRETARY** on the first day of each year on the status of
12 children in out-of-home placement in this State.

13 5-539.1.

14 (a) In addition to any duties set forth elsewhere, the State Board shall, by
15 examining the policies [and], procedures, **AND PRACTICES** of State and local agencies
16 and **BY REVIEWING** specific cases [that the State Board considers necessary to
17 perform its duties under this section], evaluate the extent to which State and local
18 agencies are effectively discharging their child protection responsibilities in
19 accordance with:

- 20 (1) the State plan under 42 U.S.C. § 5106a(b);
- 21 (2) the child protection standards set forth in 42 U.S.C. § 5106a(b);
22 and
- 23 (3) any other criteria that the State Board considers important to
24 ensure the protection of children, including:
- 25 (i) a review of the extent to which the State child protective
26 services system is coordinated with the foster care and adoption program established
27 under Part E of Title IV of the Social Security Act; and
- 28 (ii) a review of child fatalities and near fatalities.

1 **(B) (1) CASE REVIEWS CONDUCTED UNDER SUBSECTION (A) OF THIS**
2 **SECTION SHALL INCLUDE QUESTIONS DESIGNED TO MEET THE QUALITY**
3 **ASSESSMENT GOALS FOR CASEWORK SERVICES IN § 5-1308 OF THIS TITLE.**

4 **(2) THE STATE BOARD SHALL TABULATE THE RESULTS OF THE**
5 **CASE REVIEWS AND SUBMIT THE RESULTS FOR ~~REVIEW~~ CONSIDERATION AS**
6 **PART OF THE LOCAL DEPARTMENT SELF-ASSESSMENT PROCESS IN § 5-1309 OF**
7 **THIS TITLE.**

8 **(C) THE STATE BOARD OR ITS DESIGNEE SHALL HOLD IN-PERSON OR**
9 **ELECTRONIC COMMUNITY FORUMS THAT:**

10 **(1) PROVIDE FOR PUBLIC OUTREACH AND COMMENT; AND**

11 **(2) REPORT THE ~~RESULTS OF CHILD WELFARE ACCOUNTABILITY~~**
12 **~~ACTIVITIES PERFORMED IN ACCORDANCE WITH SUBTITLE 13 OF THIS TITLE~~**
13 **FINDINGS AND RECOMMENDATIONS OF THE STATE BOARD, THE LOCAL CITIZEN**
14 **REVIEW PANEL, IF ANY, AND THE LOCAL BOARDS.**

15 **[(b)] (D)** The State Board may:

16 (1) by a majority vote of its members add up to four members with
17 expertise in the prevention and treatment of child abuse and neglect for the purpose of
18 performing its duties under this section; and

19 (2) to assist the State Board in its reviews of specific cases, designate:

20 (i) local teams composed of members of local boards of
21 out-of-home [placement] CARE of children and staff; or

22 (ii) local citizens review panels established under § 5-539.2 of
23 this subtitle.

24 **[(c)] (E)** In consultation with local citizens review panels and the State
25 Council on Child Abuse and Neglect, the State Board shall develop protocols that
26 govern the scope of activities of local citizens review panels to reflect the provisions of
27 the federal Child Abuse Prevention and Treatment Act (42 U.S.C. § 5101 et seq.).

28 **[(d)] (F)** The State Board shall coordinate its activities under this section
29 with the State Council on Child Abuse and Neglect, **THE STATE CHILD FATALITY**

1 **REVIEW TEAM**, local citizens review panels, and the **LOCAL** child fatality review
2 teams in order to avoid unnecessary duplication of effort.

3 [(e)] (G) (1) The State Board shall [annually] **SUBMIT, SUBJECT TO §**
4 **2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY**
5 **AND THE SECRETARY** ON OR BEFORE JANUARY 1 OF EACH YEAR AND prepare
6 and make available to the public a report containing a summary of its activities,
7 **FINDINGS, AND RECOMMENDATIONS** under this section.

8 (2) **THE STATE BOARD MAY COMBINE THE REPORTS REQUIRED**
9 **UNDER PARAGRAPH (1) OF THIS SUBSECTION AND § 5-539 OF THIS SUBTITLE.**

10 (H) **WITHIN 120 DAYS AFTER RECEIVING THE REPORT FROM THE STATE**
11 **BOARD UNDER § 5-539 OF THIS SUBTITLE OR THE REPORT UNDER SUBSECTION**
12 **(G) OF THIS SECTION, THE SECRETARY SHALL SEND A WRITTEN RESPONSE TO**
13 **THE STATE BOARD DESCRIBING THE ACTIONS TO BE TAKEN BY THE**
14 **DEPARTMENT IN RESPONSE TO THE RECOMMENDATIONS OF THE STATE**
15 **BOARD.**

16 5-539.2.

17 (a) (1) A local government may establish a local citizens review panel to
18 assist and advise the State Board and the State Council on Child Abuse and Neglect.

19 (2) Two or more counties may establish a multicounty local citizens
20 review panel, in accordance with a memorandum of understanding executed by the
21 [multicounty local panel] **GOVERNING BODIES OF EACH PARTICIPATING COUNTY.**

22 (b) Except as provided in subsection (c)(2) of this section, the members and
23 [chairman] **CHAIR** of a local citizens review panel shall be appointed by the local
24 governing body.

25 (c) Membership on a local citizens review panel shall be representative of the
26 local jurisdiction and include:

27 (1) individuals with expertise in the prevention and treatment of child
28 abuse and neglect, such as child advocates, volunteers of the court-appointed special
29 advocate program, attorneys who represent children, parent and consumer
30 representatives, law enforcement representatives, and health, [and] human, **AND**
31 **EDUCATIONAL** services professionals; and

1 (2) one member from the local jurisdiction, who is appointed by the
2 State Board and one who is appointed by the State Council on Child Abuse and
3 Neglect.

4 (D) (1) **THE TERM OF A MEMBER IS 4 YEARS.**

5 (2) **AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE**
6 **UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

7 [(d)] (E) A local panel shall:

8 (1) evaluate the extent to which State and local agencies in that
9 jurisdiction are effectively fulfilling their responsibilities in accordance with the child
10 protection standards and the State plan under 42 U.S.C. § 5106a(b) and any other
11 criteria that the panel considers important for the protection of children;

12 (2) issue reports on its findings to the State Board and the State
13 Council on Child Abuse and Neglect; and

14 (3) carry out **CASE REVIEWS AND** other duties as requested to assist
15 the State Board and the State Council on Child Abuse and Neglect.

16 5-539.3.

17 (a) The members of the State Board and the Board's designees and staff:

18 (1) may not disclose to any person or government official any
19 identifying information about any specific child protection case about which the State
20 Board is provided information; and

21 (2) may make public other information unless prohibited by law.

22 (b) In addition to any other penalties provided by law, the Special Secretary
23 for Children, Youth, and Families may impose on any person who violates subsection
24 (a) of this section a civil penalty not exceeding \$500 for each violation.

25 5-540.

26 (a) Except as provided in subsection (b) of this section, there shall be at least
27 1 local board of review for minor children in out-of-home [placement] **CARE** in each
28 county.

1 (b) Instead of a local board in each county, 2 or more counties may agree to
2 establish a single multicounty local board **IN ACCORDANCE WITH A MEMORANDUM**
3 **OF UNDERSTANDING EXECUTED BY THE PARTICIPATING COUNTIES.**

4 5-541.

5 (a) (1) A local board consists of 7 members appointed by the Governor.

6 (2) If a single multicounty local board is established for 2 or more
7 counties, and if it is necessary that 1 or more of those counties have a greater number
8 of members on the local board in order for the local board to have 7 members, the
9 greater number of members shall be appointed from the counties that have the largest
10 out-of-home [placement] **CARE** populations, in order of the size of the out-of-home
11 [placement] **CARE** populations.

12 (b) (1) Each member of a local board shall be a resident of a county that is
13 served by the local board.

14 (2) Each member of a local board shall:

15 (i) be a citizen who has demonstrated an interest in minor
16 children through community service, professional experience, or similar activities; or

17 (ii) have a background in law, sociology, psychology, psychiatry,
18 education, social work, or medicine.

19 (c) (1) The term of a member is 4 years.

20 (2) At the end of a term, a member continues to serve until a successor
21 is appointed and qualifies.

22 (3) A member who is appointed after a term has begun serves only for
23 the rest of the term and until a successor is appointed and qualifies.

24 5-542.

25 (a) From among its members, each local board shall elect a [chairman]
26 **CHAIR** by majority vote.

27 (b) The term of the [chairman] **CHAIR** is 4 years.

28 5-543.

1 (a) A member of a local board **OR LOCAL PANEL** may not receive
2 compensation.

3 (b) Each member of a local board **OR LOCAL PANEL** is subject to the same
4 standards of confidentiality as an employee of the Administration.

5 5-544.

6 The goals of each local board are:

7 [(1) subject to § 5-545 of this subtitle, as to minor children who have
8 resided in out-of-home placement under the jurisdiction of the local department for
9 more than 6 months:

10 (i) to review the cases every 6 months to determine what efforts
11 have been made to acquire permanent and stable placement for these children; and

12 (ii) to encourage and facilitate the return of each of these
13 children to the child's parent or, on determining that return of a child to the child's
14 parent is not in the best interests of the child, to encourage placement of the child with
15 the child's relatives, provided the placement has legal status, or if neither measure is
16 in the best interests of the child, to encourage efforts at adoption of the child;

17 (2) to encourage all possible efforts for permanent foster care or
18 kinship care or guardianship for minor children for whom return to a parent or
19 adoption is not feasible; and

20 (3) to report to the juvenile court on the status of efforts to secure
21 permanent homes for minor children.]

22 **(1) AS TO MINOR CHILDREN WHO RESIDE IN OUT-OF-HOME CARE**
23 **UNDER THE JURISDICTION OF A LOCAL DEPARTMENT, TO CONDUCT CASE**
24 **REVIEWS AND INDIVIDUAL CHILD ADVOCACY ACTIVITIES IN ACCORDANCE WITH**
25 **THOSE CASE REVIEWS UNDER THE PROTOCOLS ESTABLISHED BY THE STATE**
26 **BOARD;**

27 **(2) IN COOPERATION WITH OTHER LOCAL BOARDS, IF ANY, IN THE**
28 **COUNTY, TO MAKE:**

29 ~~**(1) FINDINGS ABOUT HOW WELL THE OUT-OF-HOME CARE**~~
30 ~~**SYSTEM DISCHARGES ITS RESPONSIBILITIES; AND**~~

1 ~~(H)~~ RECOMMENDATIONS REGARDING HOW THE
2 OUT-OF-HOME CARE SYSTEM MAY BE IMPROVED;

3 (3) TO COORDINATE ITS FINDINGS AND RECOMMENDATIONS
4 UNDER ITEM (2) OF THIS SECTION WITH A LOCAL CITIZENS REVIEW PANEL
5 SERVING THE COUNTY;

6 (4) TO MEET WITH THE DIRECTOR OF THE LOCAL DEPARTMENT
7 AND THE JUDGE IN CHARGE OF THE JUVENILE COURT IN THE COUNTY TO
8 DISCUSS THE BOARD'S FINDINGS AND RECOMMENDATIONS; AND

9 (5) TO ASSIST THE STATE BOARD IN HOLDING COMMUNITY
10 FORUMS AS REQUIRED IN § 5-539.1 OF THIS SUBTITLE.

11 5-545.

12 (a) **(1)** Each local board shall review children in out-of-home [placement]
13 CARE in accordance with [local plans approved] **THE REGULATIONS ADOPTED** by the
14 State Board and the Secretary of Human Resources.

15 **(2) THE REGULATIONS ADOPTED BY THE STATE BOARD AND THE**
16 **SECRETARY SHALL REQUIRE:**

17 **(I) AT LEAST ONE REVIEW WITHIN THE FIRST 12 MONTHS**
18 **AFTER A CHILD ENTERS OUT-OF-HOME PLACEMENT; AND**

19 **(II) SUBSEQUENT REVIEWS WHEN THE COURT, THE LOCAL**
20 **DEPARTMENT, AN INTERESTED PERSON, OR THE LOCAL BOARD RAISES A**
21 **CONCERN THAT THE LOCAL BOARD MAY ADDRESS THROUGH THE FINDINGS AND**
22 **RECOMMENDATIONS REQUIRED UNDER SUBSECTION (C) OF THIS SECTION.**

23 (b) Each local board shall report in writing to the juvenile court and the local
24 department on each minor child whose case is reviewed by the local board.

25 (c) In the report, the local board [may recommend, as being in the best
26 interest of the minor child:

27 (1) that the child be returned to the parent or legal guardian;

1 (2) that the child continue to be placed outside the home and that the
2 present placement plan is appropriate to the child's needs;

3 (3) that the child continue to be placed outside the home, but that the
4 present placement plan is inappropriate to the child's needs;

5 (4) that the child continue to be placed outside the home, but that the
6 child be placed outside the home in the local jurisdiction of origin, if appropriate;

7 (5) that it is in the best interest of a child to continue to be placed in
8 another local jurisdiction in the State, after considering:

9 1. the availability of resources to provide necessary services to
10 the child;

11 2. the accessibility to family treatment, if appropriate; and

12 3. the effect on the local school system; or

13 (6) that proceedings be initiated to terminate the rights of the parent
14 as to the child so that the child may be eligible for adoption.] **SHALL INCLUDE THE**
15 **FOLLOWING FINDINGS AND RECOMMENDATIONS:**

16 **(1) THE APPLICABILITY OF PROVISIONS AUTHORIZING THE**
17 **WAIVER OF REUNIFICATION SERVICES IN § 3-812 OF THE COURTS ARTICLE;**

18 **(2) THE APPROPRIATENESS OF THE TERMINATION OF PARENTAL**
19 **RIGHTS FOR A MINOR CHILD, INCLUDING THE APPLICABILITY OF THE**
20 **REQUIREMENTS AND EXCEPTIONS DESCRIBED IN § 5-525.1 OF THIS SUBTITLE;**

21 **(3) AGREEMENT OR DISAGREEMENT WITH THE PERMANENCY**
22 **PLAN;**

23 **(4) ~~THE ADEQUACY OF ANY REASONABLE EFFORTS MADE~~**
24 **TOWARD THE PRESERVATION OF FAMILY RELATIONSHIPS AND CONNECTIONS;**

25 **(5) ANY REASONABLE EFFORTS MADE TOWARDS A PERMANENT**
26 **PLACEMENT AND PREPARING THE CHILD FOR INDEPENDENT LIVING, IF**
27 **APPLICABLE;**

1 (6) THE LEVEL OF SAFETY OF CURRENT AND PLANNED LIVING
2 ARRANGEMENTS AND THE ADEQUACY OF THE DEPARTMENT'S EFFORTS TO
3 KEEP THE CHILD SAFE;

4 (7) THE APPROPRIATENESS OF THE CURRENT LIVING
5 ARRANGEMENT AND AGREEMENT OR DISAGREEMENT WITH THE LOCAL
6 DEPARTMENT'S PLACEMENT PLAN; AND

7 (8) ~~THE QUALITY OF~~ APPROPRIATENESS OF EFFORTS TO MEET
8 THE CHILD'S EDUCATION AND HEALTH CARE NEEDS.

9 (D) (1) ~~(I)~~ IF THE LOCAL BOARD FINDS UNDER SUBSECTION (C)(7)
10 OF THIS SECTION THAT A CHILD'S CURRENT LIVING ARRANGEMENT IS NOT
11 APPROPRIATE, ~~THE LOCAL BOARD SHALL DETERMINE WHETHER THE CHILD IS~~
12 ~~PLACED IN THE JURISDICTION OF ORIGIN AND THE APPROPRIATENESS OF THAT~~
13 ~~ARRANGEMENT.~~

14 ~~(II) IF THE LOCAL BOARD DETERMINES THAT THE~~
15 ~~ARRANGEMENT IS INAPPROPRIATE, THE LOCAL BOARD SHALL:~~

16 ~~1.~~ AND THE CHILD IS NOT PLACED IN THE JURISDICTION
17 OF ORIGIN, THE LOCAL BOARD SHALL EXPLAIN WHY THE ARRANGEMENT IS
18 INAPPROPRIATE, INCLUDING WHETHER:

19 ~~A.~~ (I) RESOURCES ARE NOT AVAILABLE TO MEET THE
20 CHILD'S SERVICE NEEDS;

21 ~~B.~~ (II) FAMILY TREATMENT SERVICES ARE NOT
22 ACCESSIBLE;

23 ~~C.~~ (III) DISTANCE IS A BARRIER TO FAMILY VISITATION;
24 OR

25 ~~D.~~ (IV) THE LOCAL SCHOOL SYSTEM IS NOT MEETING
26 THE CHILD'S EDUCATIONAL NEEDS; AND

27 ~~2.~~ RECOMMEND STEPS TO ESTABLISH AN
28 APPROPRIATE LIVING ARRANGEMENT.

1 (2) IF THE LOCAL BOARD DISAGREES UNDER SUBSECTION (C)(7)
 2 OF THIS SECTION WITH THE LOCAL DEPARTMENT'S PLACEMENT PLAN, ~~THE~~
 3 ~~LOCAL BOARD SHALL:~~

4 ~~(I) RECOMMEND AN ALTERNATIVE PLACEMENT PLAN AND~~
 5 ~~EXPLAIN WHY THE ALTERNATIVE PLACEMENT PLAN IS MORE APPROPRIATE; OR~~

6 ~~(H) IF THE LOCAL BOARD DISAGREES WITH THE~~
 7 ~~PLACEMENT PLAN BECAUSE~~ AND THE CHILD WOULD BE PLACED OUTSIDE THE
 8 JURISDICTION OF ORIGIN, MAKE FINDINGS THE LOCAL BOARD SHALL EXPLAIN
 9 WHY THE PLAN IS INAPPROPRIATE, INCLUDING WHETHER:

10 ~~1.~~ (I) RESOURCES ARE NOT AVAILABLE TO MEET THE
 11 CHILD'S SERVICE NEEDS;

12 ~~2.~~ (II) FAMILY TREATMENT SERVICES ARE NOT
 13 ACCESSIBLE;

14 ~~3.~~ (III) DISTANCE IS A BARRIER TO FAMILY VISITATION;
 15 OR

16 ~~4.~~ (IV) THE LOCAL SCHOOL SYSTEM IS NOT MEETING
 17 THE CHILD'S EDUCATIONAL NEEDS.

18 (E) (1) CASE REVIEWS CONDUCTED UNDER THIS SECTION ~~SHALL~~ MAY
 19 INCLUDE QUESTIONS DESIGNED TO MEET THE QUALITY ASSESSMENT GOALS
 20 FOR CASEWORK SERVICES IN § 5-1308 OF THIS TITLE.

21 (2) THE STATE BOARD SHALL TABULATE THE RESULTS OF THE
 22 CASE REVIEWS AND SUBMIT THE RESULTS FOR ~~REVIEW~~ CONSIDERATION AS
 23 PART OF THE LOCAL DEPARTMENT SELF-ASSESSMENT PROCESS IN § 5-1309 OF
 24 THIS TITLE.

25 5-546.

26 A public or private agency or institution shall give to the State Board and local
 27 boards any information that the boards request to perform their duties.

28 5-547.

29 This Part IV of this subtitle:

1 (1) may not be construed to restrict or alter the authority of any public
2 or private agency or institution that deals with out-of-home placement, adoption, or
3 related matters; and

4 (2) is related to and should be read in relation to **SUBTITLE 13 OF**
5 **THIS TITLE AND §§ 5-524, 5-525, 5-525.1, and 5-534** of this subtitle.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2007.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.