

HOUSE BILL 1337

D4

(9lr3082)

ENROLLED BILL

—Judiciary/Judicial Proceedings—

Introduced by **Delegate Branch**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Family Law – State Citizens Review Board for Children and Local Boards of**
3 **Review – Duties**

4 FOR the purpose of altering the ~~eases required to be reviewed by~~ duties of the State
5 Citizens Review Board for Children and local boards of review for children in
6 out-of-home care; requiring the State Board to tabulate and analyze certain
7 results and submit ~~them~~ certain results and findings to the Department of
8 Human Resources; altering the requirements ~~for certain community forums~~
9 related to public outreach; altering ~~the frequency of~~ requirements related to
10 certain case reviews by local boards; requiring that certain case reviews be
11 based on certain priorities and a certain agreement; altering the findings and
12 recommendations required to be included in certain reports; ~~repealing a~~
13 ~~requirement that a local board explain a certain finding~~; ~~repealing a provision~~
14 ~~authorizing certain case reviews to include certain questions~~; and generally

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.

Italics indicate opposite chamber / conference committee amendments.



relating to the State Citizens Review Board for Children and local boards of review.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 5–539.1 and 5–545
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Preamble

WHEREAS, The State has taken measures to ensure the safety and permanency of children entrusted in its care; and

WHEREAS, Local boards should focus on the permanency of children; and

WHEREAS, It is necessary to realign the duties of the local citizens review boards for children to avoid duplication of case review and to ensure that the system is working together; and

WHEREAS, The General Assembly wishes to ensure that children in the State's care have a plan of permanency; now, therefore,

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

Article – Family Law

5–539.1.

(a) In addition to any duties set forth elsewhere, the State Board shall, by examining the policies, procedures, and practices of State and local agencies and ~~by reviewing~~, **WHERE APPROPRIATE IN**, specific cases, evaluate the extent to which State and local agencies are effectively discharging their child protection responsibilities in accordance with:

(1) the State plan under 42 U.S.C. § 5106a(b);

(2) the child protection standards set forth in 42 U.S.C. § 5106a(b);
and

(3) any other criteria that the State Board considers important to ensure the protection of children, including:

(i) a review of the extent to which the State child protective services system is coordinated with the foster care and adoption program established under Part E of Title IV of the Social Security Act; and

(ii) a review of child fatalities and near fatalities.

(b) (1) Case reviews conducted under subsection (a) of this section shall include questions designed to meet the quality assessment goals for casework services in § 5–1308 of this title.

(2) The State Board shall tabulate AND ANALYZE the results of [the] **ALL** case reviews **CONDUCTED UNDER SUBSECTION (A) OF THIS SECTION** and submit the results AND FINDINGS for consideration as part of the local department self-assessment process in § 5–1309 of this title.

(3) THE STATE BOARD SHALL TABULATE AND ANALYZE THE RESULTS OF ALL CASE REVIEWS, BOTH ON A JURISDICTIONAL AND A STATEWIDE BASIS, AND SUBMIT THE RESULTS AND FINDINGS TO THE DEPARTMENT ON A QUARTERLY BASIS.

(c) The State Board ~~or its designee shall hold in person or electronic community forums that~~ **SHALL**:

(1)~~†~~ provide for public outreach and comment~~†~~; and

(2) ~~report the~~ **MAKE AVAILABLE TO THE PUBLIC SYSTEMIC** findings and recommendations of the State Board, the local citizen review panel, if any, and the local boards~~†~~.

(d) The State Board may:

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

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

(i) local teams composed of members of local boards of out-of-home care of children and staff; or

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

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

(f) The State Board shall coordinate its activities under this section with the State Council on Child Abuse and Neglect, the State Child Fatality Review Team, local citizens review panels, and the local child fatality review teams in order to avoid unnecessary duplication of effort.

(g) (1) The State Board shall submit, subject to § 2-1246 of the State Government Article, to the General Assembly and the Secretary of Human Resources on or before January 1 of each year and prepare and make available to the public a report containing a summary of its activities, findings, and recommendations under this section.

(2) The State Board may combine the reports required under paragraph (1) of this subsection and § 5-539 of this subtitle.

(h) Within 120 days after receiving the report from the State Board under § 5-539 of this subtitle or the report under subsection (g) of this section, the Secretary of Human Resources shall send a written response to the State Board describing the actions to be taken by the Department in response to the recommendations of the State Board.

5-545.

(a) (1) Each local board shall review children in out-of-home care in accordance with the regulations adopted by the State Board and the Secretary of Human Resources.

(2) The regulations adopted by the State Board and the Secretary of Human Resources shall require[:

(i) at least one review within the first 12 months after a child enters out-of-home placement; and

(ii) subsequent reviews when the court, the local department, an interested person, or the local board raises a concern that the local board may address through the findings and recommendations required under subsection (c) of this section] ~~THAT THE LOCAL BOARDS REVIEW ONLY THOSE CASES WITH A PLAN OF ADOPTION OR ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT, TO INCLUDE:~~

~~(I) A REVIEW OF EACH CASE AT LEAST 6 MONTHS AFTER THE CHANGE OF PLAN; AND~~

~~(II) SUBSEQUENT REVIEWS OF CASES WITH A PLAN OF ADOPTION OR ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT WHEN THE COURT, THE LOCAL DEPARTMENT, OR THE LOCAL BOARD RAISES A CONCERN THAT THE LOCAL BOARD MAY ADDRESS THROUGH FINDINGS AND~~

~~RECOMMENDATIONS REQUIRED UNDER SUBSECTION (C) OF THIS SECTION
BASED ON PRIORITIES AGREED UPON BY THE LOCAL DEPARTMENT
DEPARTMENT AND THE STATE BOARD AND STATED IN A MEMORANDUM OF
AGREEMENT.~~

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

(c) In the report, the local board shall include, WHERE APPLICABLE, the following findings and recommendations:

~~(1) the applicability of provisions authorizing the waiver of reunification services in § 3-812 of the Courts Article;~~

(2) the appropriateness of the termination of parental rights for a minor child, including the applicability of the requirements and exceptions described in § 5-525.1 of this subtitle;

(3) agreement or disagreement with the permanency plan;

(4) any reasonable efforts made toward the preservation of family relationships and connections;

~~(1) FOR CASES WITH A PLAN OF ADOPTION:~~

~~(I) THAT THE CHILD IS RECEIVING APPROPRIATE SERVICES TO ACHIEVE THE STATED PERMANENCY GOAL;~~

~~(II) THAT THE CHILD WILL ACHIEVE PERMANENCY IN A TIMELY MANNER; AND~~

~~(III) (5) THE IDENTIFICATION OF BARRIERS TO ACHIEVE TIMELY PERMANENCY; AND~~

~~(2) FOR CASES WITH ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT:~~

~~(I) THAT THE CHILD'S PERMANENCY PLAN IS APPROPRIATE;~~

~~(II) (6) THAT WHETHER THE CHILD IS RECEIVING APPROPRIATE SERVICES TO ACHIEVE THE STATED PERMANENCY GOAL;~~

~~(III) THAT THE CHILD WILL ACHIEVE PERMANENCY IN A TIMELY MANNER;~~

1 [(5)] ~~(IV)~~ (7) any reasonable efforts made towards a permanent
2 placement and preparing the child for independent living, if applicable;

3 ~~[(6)]~~ (8) the level of safety of current and planned living
4 arrangements and the adequacy of the Department's efforts to keep the child safe;

5 ~~(7)~~ (9) the appropriateness of the current living arrangement and
6 agreement or disagreement with the local department's placement plan; ~~and~~

7 ~~(8)]~~ ~~(V)~~ (10) the appropriateness of efforts to meet the child's
8 education and health care needs; **AND**

9 ~~(VI)~~ (11) **ANY REASONABLE EFFORTS MADE TOWARDS**
10 **PROMOTING THE CHILD'S RELATIONSHIP WITH INDIVIDUALS WHO WILL PLAY A**
11 **LASTING, SUPPORTIVE ROLE IN THE CHILD'S LIFE.**

12 ¶(d) (1) If the local board finds under subsection (c)(7) of this section that a
13 child's current living arrangement is not appropriate and the child is not placed in the
14 jurisdiction of origin, the local board shall explain why the arrangement is
15 inappropriate, including whether:

- 16 (i) resources are not available to meet the child's service needs;
17 (ii) family treatment services are not accessible;
18 (iii) distance is a barrier to family visitation; or
19 (iv) the local school system is not meeting the child's educational
20 needs.

21 (2) If the local board disagrees under subsection (c)(7) of this section
22 with the local department's placement plan and the child would be placed outside the
23 jurisdiction of origin, the local board shall explain why the plan is inappropriate,
24 including whether:

- 25 (i) resources are not available to meet the child's service needs;
26 (ii) family treatment services are not accessible;
27 (iii) distance is a barrier to family visitation; or
28 (iv) the local school system is not meeting the child's educational
29 needs.‡

~~[(e)] (D)~~ (1) [Case reviews conducted under this section may include questions designed to meet the quality assessment goals for casework services in § 5–1308 of this title.

(2)] The State Board shall tabulate AND ANALYZE the results of the case reviews and submit the results AND FINDINGS for consideration as part of the local department self–assessment process in § 5–1309 of this title.

(2) THE STATE BOARD SHALL TABULATE AND ANALYZE RESULTS OF CASE REVIEWS, BOTH ON A JURISDICTIONAL AND A STATEWIDE BASIS, AND SUBMIT THE RESULTS AND FINDINGS TO THE DEPARTMENT ON A QUARTERLY BASIS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2009.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.