

HOUSE BILL 1337

D4

9lr3082
CF SB 933

By: **Delegate Branch**

Introduced and read first time: February 18, 2009

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

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 cases required to be reviewed by the State Citizens
5 Review Board for Children and local boards of review for children in
6 out-of-home care; requiring the State Board to tabulate certain results and
7 submit them to the Department of Human Resources; altering the requirements
8 for certain community forums; altering the frequency of certain case reviews by
9 local boards; altering the findings and recommendations required to be included
10 in certain reports; repealing a requirement that a local board explain a certain
11 finding; repealing a provision authorizing certain case reviews to include certain
12 questions; and generally relating to the State Citizens Review Board for
13 Children and local boards of review.

14 BY repealing and reenacting, with amendments,
15 Article – Family Law
16 Section 5–539.1 and 5–545
17 Annotated Code of Maryland
18 (2006 Replacement Volume and 2008 Supplement)

19 Preamble

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

5 **Article – Family Law**

6 5–539.1.

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

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

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

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

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

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

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

24 (2) The State Board shall tabulate the results of [the] **ALL** case
25 reviews **CONDUCTED UNDER SUBSECTION (A) OF THIS SECTION** and submit the
26 results for consideration as part of the local department self-assessment process in §
27 5–1309 of this title.

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

31 (c) The State Board or its designee shall hold in-person or electronic
32 community forums that[:

33 (1)] provide for public outreach and comment[; and

1 (2) report the findings and recommendations of the State Board, the
2 local citizen review panel, if any, and the local boards].

3 (d) The State Board may:

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

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

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

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

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

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

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

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

27 (h) Within 120 days after receiving the report from the State Board under §
28 5-539 of this subtitle or the report under subsection (g) of this section, the Secretary of
29 Human Resources shall send a written response to the State Board describing the
30 actions to be taken by the Department in response to the recommendations of the
31 State Board.

32 5-545.

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

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

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

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

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

13 **(II) SUBSEQUENT REVIEWS OF CASES WITH A PLAN OF**
14 **ADOPTION OR ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT WHEN**
15 **THE COURT, THE LOCAL DEPARTMENT, OR THE LOCAL BOARD RAISES A**
16 **CONCERN THAT THE LOCAL BOARD MAY ADDRESS THROUGH FINDINGS AND**
17 **RECOMMENDATIONS REQUIRED UNDER SUBSECTION (C) OF THIS SECTION.**

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

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

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

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

27 (3) agreement or disagreement with the permanency plan;

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

30 **(1) FOR CASES WITH A PLAN OF ADOPTION:**

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

1 (II) **THAT THE CHILD WILL ACHIEVE PERMANENCY IN A**
2 **TIMELY MANNER; AND**

3 (III) **IDENTIFICATION OF BARRIERS TO ACHIEVE TIMELY**
4 **PERMANENCY; AND**

5 (2) **FOR CASES WITH ANOTHER PLANNED PERMANENT LIVING**
6 **ARRANGEMENT:**

7 (I) **THAT THE CHILD’S PERMANENCY PLAN IS**
8 **APPROPRIATE;**

9 (II) **THAT THE CHILD IS RECEIVING APPROPRIATE SERVICES**
10 **TO ACHIEVE THE STATED PERMANENCY GOAL;**

11 (III) **THAT THE CHILD WILL ACHIEVE PERMANENCY IN A**
12 **TIMELY MANNER;**

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

15 [(6) the level of safety of current and planned living arrangements and
16 the adequacy of the Department’s efforts to keep the child safe;

17 (7) the appropriateness of the current living arrangement and
18 agreement or disagreement with the local department’s placement plan; and

19 (8)] (V) the appropriateness of efforts to meet the child’s education
20 and health care needs; **AND**

21 (VI) **ANY REASONABLE EFFORTS MADE TOWARDS**
22 **PROMOTING THE CHILD’S RELATIONSHIP WITH INDIVIDUALS WHO WILL PLAY A**
23 **LASTING, SUPPORTIVE ROLE IN THE CHILD’S LIFE.**

24 [(d) (1) If the local board finds under subsection (c)(7) of this section that a
25 child’s current living arrangement is not appropriate and the child is not placed in the
26 jurisdiction of origin, the local board shall explain why the arrangement is
27 inappropriate, including whether:

28 (i) resources are not available to meet the child’s service needs;

29 (ii) family treatment services are not accessible;

30 (iii) distance is a barrier to family visitation; or

1 (iv) the local school system is not meeting the child's educational
2 needs.

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

7 (i) resources are not available to meet the child's service needs;

8 (ii) family treatment services are not accessible;

9 (iii) distance is a barrier to family visitation; or

10 (iv) the local school system is not meeting the child's educational
11 needs.]

12 [(e)] (D) (1) [Case reviews conducted under this section may include
13 questions designed to meet the quality assessment goals for casework services in §
14 5-1308 of this title.

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

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

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