

# HOUSE BILL 161

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CF SB 137

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By: **Chair, Judiciary Committee (By Request – Maryland Judicial Conference)**

Introduced and read first time: January 20, 2010

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Permanency Planning and Guardianship Review Hearings –**  
3 **Consultation with Child**

4 FOR the purpose of requiring the juvenile court, in certain permanency planning and  
5 guardianship review hearings, to place on the record a certain consultation with  
6 the child at certain intervals; and generally relating to certain permanency  
7 planning and guardianship review hearings.

8 BY repealing and reenacting, without amendments,  
9 Article – Courts and Judicial Proceedings  
10 Section 3–823(b), (c), and (h)(1)  
11 Annotated Code of Maryland  
12 (2006 Replacement Volume and 2009 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article – Courts and Judicial Proceedings  
15 Section 3–823(k)  
16 Annotated Code of Maryland  
17 (2006 Replacement Volume and 2009 Supplement)

18 BY repealing and reenacting, without amendments,  
19 Article – Family Law  
20 Section 5–326(a)(1)  
21 Annotated Code of Maryland  
22 (2006 Replacement Volume and 2009 Supplement)

23 BY adding to  
24 Article – Family Law  
25 Section 5–326(c)  
26 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2006 Replacement Volume and 2009 Supplement)

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

4 **Article – Courts and Judicial Proceedings**

5 3–823.

6 (b) (1) The court shall hold a permanency planning hearing to determine  
7 the permanency plan for a child:

8 (i) No later than 11 months after a child committed under  
9 § 3–819 of this subtitle or continued in a voluntary placement under § 3–819.1(b) of  
10 this subtitle enters an out-of-home placement; or

11 (ii) Within 30 days after the court finds that reasonable efforts  
12 to reunify a child with the child’s parent or guardian are not required based on a  
13 finding that a circumstance enumerated in § 3–812 of this subtitle has occurred.

14 (2) For purposes of this section, a child shall be considered to have  
15 entered an out-of-home placement 30 days after the child is placed into an  
16 out-of-home placement.

17 (3) If all parties agree, a permanency planning hearing may be held on  
18 the same day as the reasonable efforts hearing.

19 (c) (1) On the written request of a party or on its own motion, the court  
20 may schedule a hearing at any earlier time to determine a permanency plan or to  
21 review the implementation of a permanency plan for any child committed under  
22 § 3–819 of this subtitle.

23 (2) A written request for review shall state the reason for the request  
24 and each issue to be raised.

25 (h) (1) (i) Except as provided in subparagraphs (ii) and (iii) of this  
26 paragraph, the court shall conduct a hearing to review the permanency plan at least  
27 every 6 months until commitment is rescinded or a voluntary placement is terminated.

28 (ii) The court shall conduct a review hearing every 12 months  
29 after the court determines that the child shall be continued in out-of-home placement  
30 with a specific caregiver who agrees to care for the child on a permanent basis.

31 (iii) 1. Unless the court finds good cause, a case shall be  
32 terminated after the court grants custody and guardianship of the child to a relative or  
33 other individual.

