

HOUSE BILL 161

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0lr1012
CF SB 137

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

Introduced and read first time: January 20, 2010

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 16, 2010

CHAPTER _____

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 consult on the record with the child in a certain manner at certain
7 intervals; and generally relating to certain ~~permanency planning and~~
8 guardianship review hearings.

9 BY repealing and reenacting, without amendments,
10 Article - Courts and Judicial Proceedings
11 Section 3-823(b), (c), ~~and~~ (h)(1), and (k)
12 Annotated Code of Maryland
13 (2006 Replacement Volume and 2009 Supplement)

14 ~~BY repealing and reenacting, with amendments,~~
15 ~~Article - Courts and Judicial Proceedings~~
16 ~~Section 3-823(k)~~
17 ~~Annotated Code of Maryland~~
18 ~~(2006 Replacement Volume and 2009 Supplement)~~

19 BY repealing and reenacting, without amendments,
20 Article - Family Law
21 Section 5-326(a)(1)

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 Annotated Code of Maryland
2 (2006 Replacement Volume and 2009 Supplement)

3 BY adding to
4 Article – Family Law
5 Section 5–326(c)
6 Annotated Code of Maryland
7 (2006 Replacement Volume and 2009 Supplement)

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

10 **Article – Courts and Judicial Proceedings**

11 3–823.

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

14 (i) No later than 11 months after a child committed under
15 § 3–819 of this subtitle or continued in a voluntary placement under § 3–819.1(b) of
16 this subtitle enters an out-of-home placement; or

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

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

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

25 (c) (1) On the written request of a party or on its own motion, the court
26 may schedule a hearing at any earlier time to determine a permanency plan or to
27 review the implementation of a permanency plan for any child committed under
28 § 3–819 of this subtitle.

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

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

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

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

7 2. If the court finds good cause not to terminate a case,
8 the court shall conduct a review hearing every 12 months until the case is terminated.

9 3. The court may not conclude a review hearing under
10 subsubparagraph 2 of this subparagraph unless the court has seen the child in person.

11 (k) At least every 12 months at a hearing under this section, the court shall
12 ~~consult~~ ~~PLACE~~ on the record ~~AN AGE APPROPRIATE CONSULTATION~~ with the
13 child ~~in an age-appropriate manner~~.

14 Article – Family Law

15 5–326.

16 (a) (1) A juvenile court shall hold:

17 (i) an initial guardianship review hearing as scheduled under
18 § 5–324(b)(1)(vi) of this subtitle to establish a permanency plan for the child; and

19 (ii) at least once each year after the initial guardianship review
20 hearing until the juvenile court's jurisdiction terminates, a guardianship review
21 hearing.

22 (C) AT LEAST EVERY 12 MONTHS AT A HEARING UNDER THIS SECTION,
23 THE COURT SHALL PLACE CONSULT ON THE RECORD AN AGE APPROPRIATE
24 CONSULTATION WITH THE CHILD IN AN AGE-APPROPRIATE MANNER.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2010.