

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

Revised

House Bill 161

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

Judiciary

Judicial Proceedings

Family Law - Guardianship Review Hearings - Consultation with Child

This bill requires a juvenile court, in guardianship review hearings, to consult on the record with the child in an age-appropriate manner at least every 12 months.

Fiscal Summary

State Effect: Potential minimal increase in general fund expenditures for the Judiciary to provide additional resources for the lengthier guardianship review hearings that may occur in some jurisdictions. In addition, the bill may help protect federal funding by ensuring that Maryland law conforms to federal guidelines.

Local Effect: Potential minimal increase in circuit court expenditures for some jurisdictions to handle lengthier guardianship review hearings.

Small Business Effect: None.

Analysis

Current Law: The juvenile court must hold a hearing to determine the permanency plan for a child in out-of-home placement and conduct a hearing to review the plan at least every six months. During a review hearing, the court must make specified findings and consider a number of factors, including whether reasonable efforts have been made to finalize the permanency plan, the safety of the child, and the continuing necessity for and appropriateness of the placement. The foster parent, preadoptive parent, relative, or his or her attorney must be given an opportunity to be heard, and, if practicable, at least 10 days' notice before any hearing. At least every 12 months at a permanency planning

or review hearing, the court must consult on the record with the child in an age-appropriate manner.

A juvenile court must hold an initial guardianship review hearing no later than 180 days after the date of an order granting guardianship to establish a permanency plan for the child. Additional review hearings must be held at least once each year after the initial review hearing until the juvenile court's jurisdiction terminates.

Background: Title IV of the Social Security Act requires a court holding a permanency hearing to conduct an age-appropriate consultation with the child regarding the proposed permanency or transition plan. This bill is intended to put Maryland into compliance with The Fostering Connections to Success and Increasing Adoptions Act of 2008, which requires the court to hold an age-appropriate consultation on the record with the child at least every twelve months in guardianship review hearings.

State and Local Fiscal Effect: The provision requiring a juvenile court in a guardianship review hearing to consult on the record with the child in an age-appropriate manner will increase the amount of time a court spends during the hearing. Although some jurisdictions can handle the requirement with existing resources, expenditures may increase minimally in jurisdictions with a larger number of children under guardianship to account for the additional time spent on each hearing.

Additional Information

Prior Introductions: None.

Cross File: SB 137 (Chair, Judicial Proceedings Committee)(By Request - Maryland Judicial Conference) - Judicial Proceedings.

Information Source(s): Department of Human Resources, Judiciary (Administrative Office of the Courts), U.S. Department of Health and Human Services, Department of Legislative Services

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