

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

Senate Bill 333

(Senator Garagiola)

Judicial Proceedings

Judiciary

Children in Need of Assistance - Hearings - Written Findings

This bill requires the court to promptly send its written findings in specified child in need of assistance hearings to specified individuals and entities if the court finds that reasonable efforts for a child were made to prevent placement of the child into the custody of the local department of social services or finalize a permanency plan for the child and meet the child's needs; but at least one of an enumerated list of other conditions exists which necessitates the written findings and their prompt transmission.

Fiscal Summary

State Effect: The bill's changes can be implemented with existing resources.

Local Effect: The circuit courts can implement the bill's changes with existing resources.

Small Business Effect: None.

Analysis

Current Law: A court must make its findings in writing for hearings conducted to address shelter care, a petition on behalf of a child in need of assistance and its disposition, a permanency plan for a child in out-of-home placement, or guardianship review, if it finds that reasonable efforts are being made for a child but at least one of the following conditions exists:

- a local department did not comply with law, regulations, court orders, or agreements to provide services to a child in an out-of-home placement;

- a local department did not ensure continuity of casework;
- a local department did not provide the appropriate services to facilitate the achievement of a permanency plan for the child, including consideration of in-state and out-of-state options;
- during the period since the most recent court hearing, the child has not been placed in a stable placement or in the least restrictive setting appropriate, available, and accessible to the child;
- a local department failed to provide reports or notices of reports in a timely manner regarding placement changes or maltreatment of the child; or
- a local department has not provided timely, appropriate services to keep the child in an existing placement.

If the court finds that reasonable efforts for a child were not made to either prevent the child's placement into the custody of a local department or to finalize the permanency plan in effect for the child and meet the needs of the child, including the child's health, education, safety, and preparation for independence, or that, in general, reasonable efforts were not made, the court must promptly send its written findings to (1) the director of the local department; (2) the Social Services Administration; (3) the State Citizens Review Board for Children; (4) the local citizens review panel, if applicable; and (5) any individual or agency identified by a local department or the court as responsible for monitoring the care and services provided to children who are in the legal custody or guardianship of the local department on a systemic basis.

State and Local Expenditures: The Administrative Office of the Courts has stated that the bill will require additional reports and notifications. Legislative Service advises, however, that any additional notifications and reports can be accomplished within the existing resources of the Judiciary.

Additional Information

Prior Introductions: None.

Cross File: HB 1118 (Delegate Valderrama, *et al.*) - Judiciary.

Information Source(s): Anne Arundel and Montgomery counties, Department of Human Resources, Judiciary (Administrative Office of the Courts), Department of Legislative Services

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mlm/kdm

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