

Chapter 37

(Senate Bill 265)

AN ACT concerning

Children in Need of Assistance – Rights of Preadoptive Parents, Foster Parents, and Caregivers of Child

FOR the purpose of expanding the proceedings for which a local department of social services is required to provide certain notice to preadoptive parents and foster parents of a child under certain circumstances and at which preadoptive parents, foster parents, or their attorneys have the right to be heard; repealing a requirement that a local department of social services provide certain notice to certain relatives of a child and substituting a requirement that the local department provide certain notice to caregivers of a child; repealing the right of certain relatives or their attorneys to be heard in certain proceedings concerning the child and substituting the right of caregivers of a child or their attorneys to be heard in certain proceedings concerning the child; establishing that certain individuals may not be considered to be a party solely on the basis of certain rights; defining a certain term; and generally relating to the rights of preadoptive parents, foster parents, and caregivers of a child.

BY adding to

Article – Courts and Judicial Proceedings
Section 3–816.2
Annotated Code of Maryland
(2006 Replacement Volume and 2012 Supplement)

BY repealing

Article – Courts and Judicial Proceedings
Section 3–823(i)
Annotated Code of Maryland
(2006 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings
Section 3–823(j) and (k)
Annotated Code of Maryland
(2006 Replacement Volume and 2012 Supplement)

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

Article – Courts and Judicial Proceedings

3-816.2.

(A) IN THIS SECTION, “PREADOPTIVE PARENT” MEANS AN INDIVIDUAL WHOM A CHILD PLACEMENT AGENCY, AS DEFINED IN § 5-101 OF THE FAMILY LAW ARTICLE, APPROVES TO ADOPT A CHILD WHO HAS BEEN PLACED IN THE INDIVIDUAL’S HOME FOR ADOPTION BEFORE THE ORDER OF ADOPTION.

(B) UNLESS WAIVED FOR GOOD CAUSE, BEFORE ANY PROCEEDING CONCERNING A CHILD, THE LOCAL DEPARTMENT SHALL GIVE AT LEAST 10 DAYS’ NOTICE IN WRITING TO THE CHILD’S FOSTER PARENT, PREADOPTIVE PARENT, OR CAREGIVER OF THE DATE, TIME, AND PLACE OF THE PROCEEDING AND OF THE RIGHT TO BE HEARD AT THE PROCEEDING.

(C) THE FOSTER PARENT, PREADOPTIVE PARENT, CAREGIVER, OR AN ATTORNEY FOR THE FOSTER PARENT, PREADOPTIVE PARENT, OR CAREGIVER SHALL BE GIVEN THE RIGHT TO BE HEARD AT THE PROCEEDING.

(D) THE FOSTER PARENT, PREADOPTIVE PARENT, CAREGIVER, OR ATTORNEY MAY NOT BE CONSIDERED TO BE A PARTY SOLELY ON THE BASIS OF THE RIGHT TO NOTICE AND THE RIGHT TO BE HEARD PROVIDED UNDER THIS SECTION.

3-823.

[(i) (1) In this subsection, “preadoptive parent” means an individual whom a child placement agency, as defined in § 5-101 of the Family Law Article, approves to adopt a child who has been placed in the individual’s home for adoption before the order of adoption.

(2) (i) If practicable, before any hearing conducted under this section, the local department shall give at least 10 days’ notice to the child’s foster parent, preadoptive parent, or relative providing care for the child of the date, time, and place of the hearing and of the right to be heard.

(ii) Unless waived for good cause, the notice shall be in writing.

(3) The foster parent, preadoptive parent, relative, or an attorney for the foster parent, preadoptive parent, or relative shall be given the right to be heard at the hearing.

(4) The foster parent, preadoptive parent, relative, or attorney may not be considered to be a party solely on the basis of the right to notice and the right to be heard provided under this subsection.]

[(j)] (I) At a review hearing under this section, the court shall consider any written report of a local out-of-home care review board required under § 5-545 of the Family Law Article.

[(k)] (J) (1) At least every 12 months at a hearing under this section, the court shall consult on the record with the child in an age-appropriate manner to obtain the child's views on permanency.

(2) (i) If, after a hearing or with the agreement of all parties, the court determines that the child is medically fragile and that it is detrimental to the child's physical or mental health to be transported to the courthouse, the court may, subject to subparagraph (ii) of this paragraph:

1. Visit the child at the child's placement and use appropriate technology to document the consultation for the record; or

2. Use video conferencing to consult with the child on the record during the hearing.

(ii) If the court visits the child at the child's placement under subparagraph (i)1 of this paragraph or uses video conferencing under subparagraph (i)2 of this paragraph, the court shall give each party notice and an opportunity to attend the visit or the video conferencing, unless the court determines that it is not in the best interest of the child for a party to attend the visit or the video conferencing.

(3) Subject to the provisions of paragraph (2)(ii) of this subsection, if the child's placement is outside the State and, after a hearing or with the agreement of all parties, the court determines that it is not in the best interest of the child to be transported to the court, the court may use video conferencing to consult with the child on the record during the hearing.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2013.

Approved by the Governor, April 9, 2013.