

Chapter 39

(Senate Bill 144)

AN ACT concerning

Family Law – Foster Care – Kinship Parent Age Requirements

FOR the purpose of altering the age that a person must be to serve as a kinship parent for a child in need of out-of-home placement; repealing a provision authorizing a local department to waive the age requirement under certain circumstances; and generally relating to the age requirement for a kinship parent.

BY repealing and reenacting, with amendments,

Article – Family Law

Section 5–534

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

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

Article – Family Law

5–534.

(a) In this section, “kinship parent” means an individual who is related by blood or marriage within five degrees of consanguinity or affinity under the civil law rule to a child who is in the care, custody, or guardianship of the local department and with whom the child may be placed for temporary or long-term care other than adoption.

(b) The Administration shall establish a kinship care program.

(c) (1) In selecting a placement that is in the best interests of a child in need of out-of-home placement, the local department shall, as a first priority, attempt to place the child with a kinship parent.

(2) The local department shall exhaust all reasonable resources to locate a kinship parent for initial placement of the child.

(3) If no kinship parent is located at the time of the initial placement, the child shall be placed in a foster care setting.

(4) If a kinship parent is located subsequent to the placement of a child in a foster care setting, the local department may, if it is in the best interest of the child, place the child with the kinship parent.

(d) [(1)] A kinship parent may not be less than [21] 18 years of age.

[(2)] The local department may waive the age requirement of paragraph (1) of this subsection if a potential kinship parent:

(i) is at least 18 years of age; and

(ii) lives with a spouse who is at least 21 years of age.]

(e) The Administration shall adopt regulations to implement this section that are consistent with the provisions of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 8, 2014.