

# SENATE BILL 144

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4lr0355

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By: **Senator Kelley**

Introduced and read first time: January 10, 2014

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Foster Care – Kinship Parent Age Requirements**

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

7 BY repealing and reenacting, with amendments,  
8 Article – Family Law  
9 Section 5–534  
10 Annotated Code of Maryland  
11 (2012 Replacement Volume and 2013 Supplement)

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

14 **Article – Family Law**

15 5–534.

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

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

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

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

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

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