

Department of Legislative Services  
Maryland General Assembly  
2014 Session

FISCAL AND POLICY NOTE

Senate Bill 64

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

Judicial Proceedings

Judiciary

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Children in Need of Assistance - Educational Stability

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This bill requires the juvenile court to inquire as to the “educational stability” of a child at shelter care, adjudicatory, and disposition hearings and any change of placement proceedings. The bill also specifies factors the court may consider in determining the “educational stability” of a child.

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Fiscal Summary

**State Effect:** The Judiciary can handle the bill’s requirements using existing resources. In addition, the bill may help protect Title IV-E funding by ensuring that Maryland law conforms to federal guidelines.

**Local Effect:** The circuit courts can handle the bill’s requirements using existing resources.

**Small Business Effect:** None.

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Analysis

**Bill Summary:** “Educational stability” is defined as the continuous process of identifying and implementing the appropriate educational placement, training, resources, services, and experiences that will address the fundamental needs necessary to ensure the successful educational outcome of a child and contribute to the child’s overall well-being.

In determining the educational stability of a child, the court may consider the following factors:

- (1) the appropriateness of the child's current school placement;
- (2) the school placement of the child's siblings;
- (3) the minimization of school changes;
- (4) the proximity of the school to the child's placement;
- (5) transportation to and from school;
- (6) the proper release and prompt transfer of the child's education records;
- (7) the child's school attendance;
- (8) the identification of and consultation with the child's educational guardian;
- (9) the maintenance of any individual education plan; and
- (10) the child's appropriate grade level progress or progress toward graduation.

**Current Law:** A child in need of assistance (CINA) is a child who requires court intervention because (1) the child has been abused or neglected or has a developmental disability or a mental disorder and (2) the child's parents, guardian, or custodian are unable or unwilling to provide proper care and attention to the child. Once a petition alleging that a child is a CINA is filed, the juvenile court must hold an adjudicatory hearing to determine whether the allegations in the petition, other than the allegation that the child requires the court's intervention, are true. A shelter care hearing is a hearing held before disposition to determine whether the temporary placement of the child outside of the home is warranted. A disposition hearing is required to determine whether the child is a CINA and, if so, the nature of the court's intervention to protect the child's health, safety, and well-being. If the court determines that a child is a CINA, it must either not change the child's custody status or commit the child on terms the court deems appropriate to the custody of a parent, a relative or other individual, or a local department of social services or the Department of Health and Mental Hygiene, or both. A court may also grant limited guardianship to the local department or an individual or both for specific purposes, including medical and educational purposes or for other appropriate services if a parent is unavailable, unwilling, or unable to consent to services that are in the best interest of the child.

The juvenile court must conduct a hearing to review the status of each child under its jurisdiction within six months after the filing of the first CINA petition and at least every six months thereafter. At the review hearing, the court must (1) evaluate the safety of the

child; (2) determine the continuing necessity for and appropriateness of any out-of-home placement; (3) determine the appropriateness of and extent of compliance with the case plan for the child; (4) determine the extent of progress that has been made toward alleviating or mitigating the causes necessitating the court's jurisdiction; and (5) project a reasonable date by which the child may be returned to and safely maintained in the home or placed for adoption or under a legal guardianship.

No later than 11 months after a CINA enters an out-of-home placement, the juvenile court must hold a permanency planning hearing to determine a permanency plan for the child. The court must make findings as to whether a local department of social services made reasonable efforts to (1) finalize the permanency plan in effect for the child and (2) meet the needs of the child, including the child's health, education, safety, and preparation for independence.

**Background:** This bill is intended to help ensure that Maryland is in accordance with federal law, which requires that the proximity to the child's school and the appropriateness of the educational setting be considered when making all placement decisions. It also mandates that certain "educational stability" requirements be incorporated into each case plan. The bill will require the court to take an active role in this process by inquiring as to the educational stability of the child at the specified hearings.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 1 (Chair, Judiciary Committee)(By Request - Maryland Judicial Conference) - Judiciary.

**Information Source(s):** Maryland State Department of Education, Judiciary (Administrative Office of the Courts), Department of Legislative Services

**Fiscal Note History:** First Reader - January 10, 2014  
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