

Chapter 46

(Senate Bill 685)

AN ACT concerning

Family Law – Information and Services for Foster Children and Former Foster Children

FOR the purpose of requiring a juvenile court, in certain permanency planning and guardianship review hearings, to make a finding as to whether a local department of social services has made reasonable efforts to take certain actions for a child who is at least a certain age; requiring a local department to advise a child before emancipation of the right to reenter care and procedures for reentering care under certain provisions of law; requiring a local department to contact a certain former child in need of assistance under certain circumstances and advise the child of the right to reenter care and procedures for reentering care under certain provisions of law; ~~requiring a local department to document certain efforts;~~ requiring the Social Services Administration to adopt certain regulations to ~~require~~ ensure that all children in foster care who are at least 18 years of age have certain documents, information, and records at emancipation; altering the information that the Administration is required to give certain children in out-of-home placement annually; requiring the Department of Human Resources to report to the General Assembly on or before a certain date on certain plans of each local department of social services to provide and promote affordable housing and employment opportunities for former foster youth; requiring the plans to include certain information; and generally relating to information and services for foster youth and former foster youth.

BY repealing and reenacting, with amendments,
 Article – Courts and Judicial Proceedings
 Section 3–816.1(b)
 Annotated Code of Maryland
 (2013 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
 Article – Family Law
 Section 5–525(b)(3), (j), and (k)
 Annotated Code of Maryland
 (2012 Replacement Volume and 2014 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

3–816.1.

(b) (1) In a hearing conducted in accordance with § 3–815, § 3–817, § 3–819, or § 3–823 of this subtitle, the court shall make a finding whether the local department made reasonable efforts to prevent placement of the child into the local department’s custody.

(2) In a review hearing conducted in accordance with § 3–823 of this subtitle or § 5–326 of the Family Law Article, the court shall make a finding whether a local department made reasonable efforts to:

(i) Finalize the permanency plan in effect for the child; [and]

(ii) Meet the needs of the child, including the child’s health, education, safety, and preparation for independence; **AND**

(III) FOR A CHILD WHO IS AT LEAST 18 YEARS OF AGE:

1. ~~ENROLL~~ BEFORE THE CHILD IS EMANCIPATED, ENROLL THE CHILD IN HEALTH INSURANCE THAT WILL CONTINUE AFTER THE CHILD IS EMANCIPATED;

2. ~~SCREEN~~ BEFORE THE CHILD IS EMANCIPATED, SCREEN THE CHILD FOR ELIGIBILITY FOR PUBLIC BENEFITS AND ASSIST THE CHILD WITH APPLICATIONS FOR PUBLIC BENEFITS;

3. ~~ENSURE THAT THE CHILD WILL HAVE~~ WORK WITH APPROPRIATE INDIVIDUALS TO ESTABLISH A PLAN FOR STABLE HOUSING THAT IS REASONABLY EXPECTED TO REMAIN AVAILABLE TO THE CHILD FOR AT LEAST 12 MONTHS AFTER THE DATE OF EMANCIPATION; AND

4. ~~ENSURE THAT THE CHILD HAS OR WILL~~ WORK WITH APPROPRIATE INDIVIDUALS TO ENGAGE THE CHILD IN EDUCATION, TRAINING, OR EMPLOYMENT ACTIVITIES THAT WILL PREPARE THE CHILD TO HAVE APPROPRIATE AND SUFFICIENT INCOME TO LIVE INDEPENDENTLY AFTER EMANCIPATION.

(3) In a hearing conducted in accordance with § 3–815, § 3–817, or § 3–819 of this subtitle, before determining whether a child with a developmental disability or a mental illness is a child in need of assistance, the court shall make a finding whether the local department made reasonable efforts to prevent placement of the child into the local department’s custody by determining whether the local department could have placed the child in accordance with a voluntary placement agreement under § 5–525(b)(1)(i) or (iii) of the Family Law Article.

(4) The court shall require a local department to provide evidence of its efforts before the court makes a finding required under this subsection.

(5) The court's finding under this subsection shall assess the efforts made since the last adjudication of reasonable efforts and may not rely on findings from prior hearings.

Article – Family Law

5–525.

(b) (3) (i) The Administration shall establish a program of out-of-home placement for former CINAs:

1. whose commitment to a local department was rescinded after the individuals reached the age of 18 years but before the individuals reached the age of 20 years and 6 months; and

2. who did not exit foster care due to reunification, adoption, guardianship, marriage, or military duty.

(ii) The Administration shall adopt regulations that include eligibility requirements in accordance with federal law and regulations for providing assistance to individuals at least 18 years old.

(iii) A local department may not seek legal custody of a former CINA under a voluntary placement agreement.

(iv) A former CINA described in subparagraph (i) of this paragraph may remain in an out-of-home placement under a voluntary placement agreement for more than 180 days if the former CINA continues to comply with the voluntary placement agreement and a juvenile court makes a finding that the continuation of the placement is in the best interests of the former CINA.

(v) 1. A LOCAL DEPARTMENT SHALL ADVISE A CHILD, IN WRITING, BEFORE EMANCIPATION OF THE RIGHT TO REENTER CARE AND THE PROCEDURES FOR REENTERING CARE UNDER THIS PARAGRAPH.

2. IF A LOCAL DEPARTMENT HAS KNOWLEDGE THAT A FORMER CINA DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH IS HOMELESS, AS DEFINED IN 42 U.S.C. § 11434A, INCLUDING BY OBTAINING INFORMATION REGARDING THE FORMER CINA'S HOMELESSNESS IN AN APPLICATION FOR PUBLIC ASSISTANCE OR THROUGH CONTACT BETWEEN THE FORMER CINA AND A CASEWORKER, THE LOCAL DEPARTMENT SHALL CONTACT THE FORMER CINA AND ADVISE THE FORMER CINA OF THE RIGHT TO REENTER CARE AND PROCEDURES FOR REENTERING CARE UNDER THIS PARAGRAPH.

~~3. A LOCAL DEPARTMENT SHALL DOCUMENT ALL EFFORTS MADE UNDER THIS SUBPARAGRAPH.~~

(j) The Administration shall adopt regulations that:

(1) establish goals and specify permanency planning procedures that:

(i) maximize the prospect for reducing length of stay in out-of-home placement in the best interests of children; and

(ii) implement the intent of this section;

(2) prohibit a local department from seeking the custody or guardianship of a child for placement in foster care solely because the child's parent or guardian lacks shelter or has a disability or solely because the child's parents are financially unable to provide treatment or care for a child with a developmental disability or mental illness;

(3) specify the compelling reasons for placing a child in a local jurisdiction other than the local jurisdiction where the child's parent or guardian resides, under subsection (f)(3)(ii) of this section;

(4) require the local department to make appropriate referrals to emergency shelter and other services for families with children who lack shelter;

(5) establish criteria for investigating and approving foster homes, including requirements for window coverings in accordance with § 5-505 of this subtitle; [and]

(6) for cases in which the permanency plan recommended by the local department or under consideration by the court includes appointment of a guardian and rescission of the local department's custody or guardianship of a child:

(i) establish criteria for investigating and determining the suitability of prospective relative or nonrelative guardians; and

(ii) require the filing of a report with the court as provided in § 3-819.2 of the Courts Article; AND

(7) ~~REQUIRE~~ ENSURE THAT ALL CHILDREN IN FOSTER CARE WHO ARE AT LEAST 18 YEARS OF AGE HAVE A BIRTH CERTIFICATE, A SOCIAL SECURITY CARD, HEALTH INSURANCE INFORMATION, MEDICAL RECORDS, AND A DRIVER'S LICENSE OR STATE-ISSUED IDENTIFICATION CARD AT EMANCIPATION.

(k) (1) At least one time each year, the Administration shall provide a child in an out-of-home placement who is at least 13 years old information regarding benefits available to the child on leaving out-of-home care.

(2) The information provided under paragraph (1) of this subsection shall include information regarding tuition assistance, health care benefits, **[and] HOUSING**, job training and internship opportunities, **AND THE RIGHT TO REENTER CARE AND PROCEDURES FOR REENTERING CARE UNDER SUBSECTION (B)(3) OF THIS SECTION.**

(3) The Administration may provide the child the information required under paragraph (1) of this subsection:

(i) at a permanency planning hearing or review hearing held in accordance with § 3-823 of the Courts Article; or

(ii) by certified mail.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before ~~December 1, 2015~~ June 1, 2016, the Department of Human Resources shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the plans of each local department of social services for partnering to provide and promote affordable housing and employment opportunities for former foster youth. The plans shall:

(1) describe any existing efforts to address the housing and employment needs of former foster youth, including how Family Unification Program vouchers are used to support youth aging out of foster care;

(2) propose new strategies, including ways to partner with private and public sector employers and workforce development entities, including ~~the Governor's Workforce Investment Board and~~ local workforce investment boards, to provide job opportunities for former foster youth;

(3) provide and take into account projections of the number of youth expected to ~~transition out of~~ exit foster care at age 21 each year for the next 4 years; and

(4) propose potential partnerships with the Department of Housing and Community Development, local public housing authorities, and community-based organizations to support the placement of foster youth into safe and stable housing.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, April 14, 2015.