

# SENATE BILL 77

D4

6lr0060

(PRE-FILED)

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By: **Chair, Judicial Proceedings Committee (By Request – Departmental – Human Resources)**

Requested: September 24, 2015

Introduced and read first time: January 13, 2016

Assigned to: Judicial Proceedings

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Committee Report: Favorable

Senate action: Adopted

Read second time: February 2, 2016

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Human Resources – Transition Planning for Foster Youth**

3 FOR the purpose of lowering the age at which the juvenile court must determine, during a  
4 permanency planning hearing, the services needed to assist a child in transitioning  
5 from foster care to successful adulthood; requiring the juvenile court to determine,  
6 during a guardianship review hearing, the services needed to assist certain children  
7 in transitioning from foster care to successful adulthood; correcting certain obsolete  
8 references; and generally relating to children in out-of-home placement.

9 BY repealing and reenacting, with amendments,  
10 Article – Courts and Judicial Proceedings  
11 Section 3–823(e)  
12 Annotated Code of Maryland  
13 (2013 Replacement Volume and 2015 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article – Family Law  
16 Section 5–326(a)(8) and 5–545(c)(7)  
17 Annotated Code of Maryland  
18 (2012 Replacement Volume and 2015 Supplement)

19 BY repealing and reenacting, without amendments,  
20 Article – Family Law

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 5–545(a) and (b)  
 2 Annotated Code of Maryland  
 3 (2012 Replacement Volume and 2015 Supplement)

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

6 **Article – Courts and Judicial Proceedings**

7 3–823.

8 (e) (1) At a permanency planning hearing, the court shall:

9 (i) Determine the child’s permanency plan, which, to the extent  
 10 consistent with the best interests of the child, may be, in descending order of priority:

- 11 1. Reunification with the parent or guardian;
- 12 2. Placement with a relative for:
  - 13 A. Adoption; or
  - 14 B. Custody and guardianship under § 3–819.2 of this subtitle;
- 15 3. Adoption by a nonrelative;
- 16 4. Custody and guardianship by a nonrelative under §  
 17 3–819.2 of this subtitle; or
- 18 5. Another planned permanent living arrangement that:
  - 19 A. Addresses the individualized needs of the child, including  
 20 the child’s educational plan, emotional stability, physical placement, and socialization  
 21 needs; and
  - 22 B. Includes goals that promote the continuity of relations  
 23 with individuals who will fill a lasting and significant role in the child’s life; and

24 (ii) For a child [who has attained the age of 16] **AT LEAST 14** years  
 25 **OLD**, determine the services needed to assist the child to make the transition from  
 26 placement to [independent living] **SUCCESSFUL ADULTHOOD**.

27 (2) In determining the child’s permanency plan, the court shall consider  
 28 the factors specified in § 5–525(f)(1) of the Family Law Article.

29 **Article – Family Law**

1 5-326.

2 (a) (8) At each guardianship review hearing for a child, a juvenile court shall:

3 (i) evaluate the child's safety and act as needed to protect the child;

4 (ii) consider the written report of a local out-of-home placement  
5 review board required under § 5-545 of this title;

6 (iii) determine the extent of compliance with the permanency plan;

7 (iv) make a specific factual finding on whether reasonable efforts  
8 have been made to finalize the child's permanency plan and document the finding;

9 (v) subject to subsection (b) of this section, change the child's  
10 permanency plan if a change would be in the child's best interests;

11 (vi) project a reasonable date by which the permanency plan will be  
12 finalized;

13 **(VII) FOR A CHILD AT LEAST 14 YEARS OLD, DETERMINE THE**  
14 **SERVICES NEEDED TO ASSIST THE CHILD TO MAKE THE TRANSITION FROM**  
15 **PLACEMENT TO SUCCESSFUL ADULTHOOD;**

16 [(vii)] **(VIII)** enter any order that the juvenile court finds appropriate  
17 to implement the permanency plan; and

18 [(viii)] **(IX)** take all other action that the juvenile court considers to be  
19 in the child's best interests, including any order allowed under § 5-324(b)(1)(ii) of this  
20 subtitle.

21 5-545.

22 (a) (1) Each local board shall review children in out-of-home care in  
23 accordance with the regulations adopted by the State Board and the Secretary of Human  
24 Resources.

25 (2) The regulations adopted by the State Board and the Secretary of  
26 Human Resources shall require that the local boards review cases based on priorities  
27 agreed upon by the Department and the State Board and stated in a memorandum of  
28 agreement.

29 (b) Each local board shall report in writing to the juvenile court and the local  
30 department on each minor child whose case is reviewed by the local board.

31 (c) In the report, the local board shall include, where applicable, the following  
32 findings and recommendations:

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1                   (7) any reasonable efforts made towards a permanent placement and  
2 preparing the child for [independent living] **SUCCESSFUL ADULTHOOD**, if applicable;

3                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
4 1, 2016.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.