

SENATE BILL 732

D4, O4

9lr1784
CF 9lr1795

By: **Senators Zucker, Feldman, Carozza, Guzzone, Peters, and Serafini**

Introduced and read first time: February 4, 2019

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Child in Need of Assistance – Guardianship by Local Department – ABLE**
3 **Accounts**

4 FOR the purpose of authorizing a local department of social services that has been granted
5 certain guardianship over a child in need of assistance to have control over the
6 property of the child for the purpose of establishing a certain ABLE account on behalf
7 of the child; and generally relating to children in need of assistance and the
8 establishment of ABLE accounts.

9 BY repealing and reenacting, without amendments,
10 Article – Courts and Judicial Proceedings
11 Section 3–801(f), (g), and (p), 3–802(c), and 3–819(b)(1)(iii) and (c)(1)
12 Annotated Code of Maryland
13 (2013 Replacement Volume and 2018 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Courts and Judicial Proceedings
16 Section 3–819(g)
17 Annotated Code of Maryland
18 (2013 Replacement Volume and 2018 Supplement)

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

21 **Article – Courts and Judicial Proceedings**

22 3–801.

23 (f) “Child in need of assistance” means a child who requires court intervention
24 because:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) The child has been abused, has been neglected, has a developmental
2 disability, or has a mental disorder; and

3 (2) The child's parents, guardian, or custodian are unable or unwilling to
4 give proper care and attention to the child and the child's needs.

5 (g) "CINA" means a child in need of assistance.

6 (p) "Local department" means:

7 (1) The local department of social services for the county in which the court
8 is located; or

9 (2) In Montgomery County, the county department of health and human
10 services.

11 3-802.

12 (c) (1) In all judicial proceedings conducted in accordance with this subtitle or
13 § 5-326 of the Family Law Article, the court may direct the local department to provide
14 services to a child, the child's family, or the child's caregiver to the extent that the local
15 department is authorized under State law.

16 (2) The court shall exercise the authority described in paragraph (1) of this
17 subsection to protect and advance a child's best interests.

18 3-819.

19 (b) (1) In making a disposition on a CINA petition under this subtitle, the
20 court shall:

21 (iii) Subject to paragraph (2) of this subsection, find that the child is
22 in need of assistance and:

23 1. Not change the child's custody status; or

24 2. Commit the child on terms the court considers appropriate
25 to the custody of:

26 A. A parent;

27 B. Subject to § 3-819.2 of this subtitle, a relative, or other
28 individual; or

29 C. A local department, the Maryland Department of Health,
30 or both, including designation of the type of facility where the child is to be placed.

1 (c) In addition to any action under subsection (b)(1)(iii) of this section, the court
2 may:

3 (1) (i) Place a child under the protective supervision of the local
4 department on terms the court considers appropriate;

5 (ii) Grant limited guardianship to the department or an individual
6 or both for specific purposes including medical and educational purposes or for other
7 appropriate services if a parent is unavailable, unwilling, or unable to consent to services
8 that are in the best interest of the child; or

9 (iii) Order the child and the child's parent, guardian, or custodian to
10 participate in rehabilitative services that are in the best interest of the child and family;

11 (g) A guardian appointed under this section has no control over the property of
12 the child unless [the]:

13 (1) **THE** court expressly grants that authority; **OR**

14 (2) **THE LOCAL DEPARTMENT IS THE GUARDIAN AND EXERCISES THE**
15 **CONTROL TO ESTABLISH AN ABLE ACCOUNT ON BEHALF OF THE CHILD IN**
16 **ACCORDANCE WITH TITLE 18, SUBTITLE 19C OF THE EDUCATION ARTICLE.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2019.