

Chapter 78

(Senate Bill 24)

AN ACT concerning

Family Law – Kinship Caregivers

FOR the purpose of authorizing a local department of social services to place a child for a certain initial placement with a kinship caregiver as an alternative to foster care under certain circumstances; authorizing a local department to place a child with a kinship caregiver if a kinship caregiver is located subsequent to the placement of the child in a foster care setting; specifying that a kinship caregiver may not be under a certain age; authorizing a local department to approve an individual as a kinship caregiver under certain circumstances; requiring a prospective kinship caregiver to submit a certain affidavit to the local department; defining “kinship caregiver”; altering a certain definition; and generally relating to kinship care and kinship caregivers.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 5–501(e) and 5–534
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

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

Article – Family Law

5–501.

(e) “Kinship care” means continuous 24-hour care and supportive services provided for a minor child placed by a child placement agency in the home of a [relative related by blood or marriage within the 5th degree of consanguinity or affinity under the civil law rule] **KINSHIP PARENT OR KINSHIP CAREGIVER, AS THOSE TERMS ARE DEFINED IN § 5–534 OF THIS SUBTITLE.**

5–534.

(a) **(1)** In this section[, “kinship] **THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) “KINSHIP CAREGIVER” MEANS AN INDIVIDUAL:

(1) WITH WHOM A CHILD WHO IS IN THE CARE, CUSTODY, OR

GUARDIANSHIP OF THE LOCAL DEPARTMENT MAY BE PLACED FOR TEMPORARY OR LONG-TERM CARE OTHER THAN ADOPTION; AND

(II) WHO IS APPROVED BY THE LOCAL DEPARTMENT UNDER SUBSECTION (E) OF THIS SECTION.

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

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

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

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

(3) If no kinship parent is located at the time of the initial placement:

(I) EXCEPT AS PROVIDED IN ITEM (II) OF THIS PARAGRAPH, the child shall be placed in a foster care setting; OR

(II) AS AN ALTERNATIVE TO FOSTER CARE, THE LOCAL DEPARTMENT MAY PLACE THE CHILD FOR INITIAL PLACEMENT WITH A KINSHIP CAREGIVER.

(4) If a kinship parent **OR A KINSHIP CAREGIVER** is located subsequent to the placement of a child in a foster care setting, the local department may, if it is in the best interest of the child, place the child with the kinship parent **OR KINSHIP CAREGIVER**.

(d) **(1)** A kinship parent may not be [less than] **UNDER THE AGE OF 18 years** [of age].

(2) A KINSHIP CAREGIVER MAY NOT BE UNDER THE AGE OF 21 YEARS.

(E) (1) THE LOCAL DEPARTMENT MAY APPROVE AN INDIVIDUAL AS A KINSHIP CAREGIVER ONLY IF:

(I) THE INDIVIDUAL IS RELATED TO THE CHILD BY BLOOD OR MARRIAGE BEYOND FIVE DEGREES OF CONSANGUINITY OR AFFINITY UNDER THE CIVIL LAW OR RULE OR IS A CLOSE FAMILY FRIEND OF THE CHILD OR THE CHILD’S

FAMILY;

(II) THE INDIVIDUAL HAS A STRONG FAMILIAL OR OTHER SIGNIFICANT BOND TO THE CHILD OR THE CHILD'S FAMILY;

(III) THE INDIVIDUAL HAS MAINTAINED REGULAR CONTACT WITH THE CHILD OR THE CHILD'S FAMILY SUFFICIENT TO DEMONSTRATE STRONG FAMILIARITY WITH THE CHILD'S ACTIVITIES AND DAILY NEEDS; AND

(IV) PLACEMENT WITH THE INDIVIDUAL IS IN THE CHILD'S BEST INTEREST.

(2) A PROSPECTIVE KINSHIP CAREGIVER SHALL SUBMIT TO THE LOCAL DEPARTMENT AN AFFIDAVIT THAT INCLUDES SPECIFIC FACTS TO ENABLE THE LOCAL DEPARTMENT TO DETERMINE WHETHER THE INDIVIDUAL MEETS THE CRITERIA SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION.

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

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

Approved by the Governor, April 18, 2019.