

SB0586/803123/1

BY: Senator Hayes

AMENDMENTS TO SENATE BILL 586
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Right” and substitute “Request”; in line 4, strike “intervene” and substitute “request to be designated”; strike beginning with “the” in line 6 down through “and” in line 7; in line 8, after “circumstances,” insert “authorizing a court, in its discretion, to grant certain status to certain parties in certain proceedings; requiring a court to grant certain status to certain parties in certain proceedings; providing for the construction of certain provisions of this Act;”; after line 15, insert:

“BY repealing and reenacting, without amendments,

Article - Courts and Judicial Proceedings

Section 3-802(a)(3) and (7)

Annotated Code of Maryland

(2013 Replacement Volume and 2019 Supplement)”;

and after line 20, insert:

“BY repealing and reenacting, without amendments,

Article - Family Law

Section 5-525(j)(2)

Annotated Code of Maryland

(2019 Replacement Volume)”.

AMENDMENT NO. 2

On page 2, in line 6, strike “EXERCISED THE RIGHT TO INTERVENE” and substitute “BEEN DESIGNATED AS A PARTY UNDER § 3-816.3(D) OF THIS SUBTITLE”; after line 6, insert:

(Over)

“3-802.

(a) The purposes of this subtitle are:

(3) To conserve and strengthen the child’s family ties and to separate a child from the child’s parents only when necessary for the child’s welfare;

(7) To achieve a timely, permanent placement for the child consistent with the child’s best interests; and”;

in line 16, strike “INTERVENE” and substitute “**REQUEST TO BE DESIGNATED**”; strike beginning with “EXERCISED” in line 18 down through “INTERVENE” in line 19 and substitute “**BEEN DESIGNATED**”; in line 19, after “PARTY” insert “**UNDER SUBSECTION (D) OF THIS SECTION**”; strike in their entirety lines 23 through 25, inclusive, and substitute:

“(2) THE FOSTER PARENT, PREADOPTIVE PARENT, OR CAREGIVER MAY REQUEST TO BE DESIGNATED AS A PARTY IN:

(I) A PERMANENCY PLANNING HEARING UNDER § 3-823 OF THIS SUBTITLE; OR

(II) A REVIEW HEARING UNDER § 3-816.2 OF THIS SUBTITLE.

(3) (I) IF A FOSTER PARENT, PREADOPTIVE PARENT, OR CAREGIVER HAS BEEN LIVING WITH THE CHILD FOR LESS THAN 12 MONTHS, THE COURT AT ITS DISCRETION MAY DESIGNATE THE FOSTER PARENT, PREADOPTIVE PARENT, OR CAREGIVER AS A PARTY TO:

1. A PERMANENCY PLANNING HEARING UNDER § 3-823 OF THIS SUBTITLE; OR

2. A REVIEW HEARING UNDER § 3-816.2 OF THIS SUBTITLE.

(II) IF A FOSTER PARENT, PREADOPTIVE PARENT, OR CAREGIVER HAS BEEN LIVING WITH THE CHILD FOR AT LEAST 12 MONTHS AND THE COURT DETERMINES THAT THE DESIGNATION WOULD BE IN THE BEST INTERESTS OF THE CHILD, THE COURT, ON REQUEST, SHALL DESIGNATE THE FOSTER PARENT, PREADOPTIVE PARENT, OR CAREGIVER AS A PARTY TO:

1. A PERMANENCY PLANNING HEARING UNDER § 3-823 OF THIS SUBTITLE; OR

2. A REVIEW HEARING UNDER § 3-816.2 OF THIS SUBTITLE.

(E) THIS SECTION MAY NOT BE CONSTRUED TO ALTER:

(1) THE PURPOSES SPECIFIED IN § 3-802(A)(3) AND (7) OF THIS SUBTITLE; OR

(2) THE PROHIBITION REQUIRED UNDER § 5-525(J)(2) OF THE FAMILY LAW ARTICLE.”.

AMENDMENT NO. 3

On page 3, in line 22, strike “INTERVENE” and substitute “REQUEST TO BE DESIGNATED AS A PARTY”; strike in their entirety lines 24 through 32, inclusive; in line 33, strike the brackets; and in the same line, strike “(C)”.

On page 4, after line 1, insert:

“5-525.

(j) The Administration shall adopt regulations that:

(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;”.