

Chapter 228

(Senate Bill 203)

AN ACT concerning

Children in Need of Assistance – Custody and Guardianship and Review Hearings

FOR the purpose of altering provisions relating to certain orders granting custody and guardianship of a child in need of assistance to a relative or nonrelative; altering provisions relating to review hearings to review the permanency plan for a certain child in an out-of-home placement; and generally relating to children in need of assistance.

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 3–819.2(b) and (d)
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–819.2(c) and (e) and 3–823(h)
Annotated Code of Maryland
(2020 Replacement Volume and 2021 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

3–819.2.

(b) Subject to subsection (f) of this section, the court may grant custody and guardianship to a relative or a nonrelative under this subtitle.

(c) An order granting custody and guardianship to an individual under this section [terminates]:

(1) RESCINDS THE CHILD’S COMMITMENT TO THE LOCAL DEPARTMENT;

(2) ACHIEVES THE CHILD’S PERMANENCY PLAN;

(3) TERMINATES the local department’s legal obligations and

responsibilities to the child; **AND**

(4) TERMINATES THE CHILD’S CASE, UNLESS THE COURT FINDS GOOD CAUSE NOT TO TERMINATE THE CHILD’S CASE.

(d) A guardian appointed under this subtitle has legal custody of the child unless the court that appoints the guardian gives legal custody to another person.

(e) [After granting custody and guardianship to an individual under this section,] **IF A COURT FINDS GOOD CAUSE NOT TO TERMINATE A CHILD’S CASE UNDER SUBSECTION (C) OF THIS SECTION, the court [may]:**

(1) MAY order any further reviews that the court determines to be in the child’s best interests[, consistent with § 3–823(h)(1)(iii) of this subtitle];

(2) SHALL CONDUCT A REVIEW HEARING AT LEAST EVERY 12 MONTHS UNTIL THE CASE IS TERMINATED; AND

(3) MAY NOT CONCLUDE A REVIEW HEARING UNLESS THE COURT HAS SEEN THE CHILD IN PERSON.

3–823.

(h) (1) [(i) Except as provided in subparagraphs (ii) and (iii) of this paragraph, the] **THE** court shall conduct a hearing to review the permanency plan at least every 6 months until commitment is rescinded or a voluntary placement is terminated.

[(ii) The court shall conduct a review hearing every 12 months after the court determines that the child shall be continued in out-of-home placement with a specific caregiver who agrees to care for the child on a permanent basis.

(iii) 1. Unless the court finds good cause, a case shall be terminated after the court grants custody and guardianship of the child to a relative or other individual.

2. If the court finds good cause not to terminate a case, the court shall conduct a review hearing every 12 months until the case is terminated.

3. The court may not conclude a review hearing under subparagraph 2 of this subparagraph unless the court has seen the child in person.]

(2) At the review hearing, the court shall:

(i) Determine the continuing necessity for and appropriateness of

the commitment;

(ii) Determine and document in its order whether reasonable efforts have been made to finalize the permanency plan that is in effect;

(III) DETERMINE THE APPROPRIATENESS OF AND THE EXTENT OF COMPLIANCE WITH THE CASE PLAN FOR THE CHILD;

[(iii)] (IV) Determine the extent of progress that has been made toward alleviating or mitigating the causes necessitating commitment;

[(iv)] (V) Project a reasonable date by which a child in placement may be returned home, placed in a preadoptive home, or placed under a legal guardianship;

[(v)] (VI) Evaluate the safety of the child and take necessary measures to protect the child;

[(vi)] (VII) Change the permanency plan if a change in the permanency plan would be in the child’s best interest; and

[(vii)] (VIII) For a child with a developmental disability, direct the provision of services to obtain ongoing care, if any, needed after the court’s jurisdiction ends.

(3) WHEN THE PERMANENCY PLAN IS ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT, THE REVIEW HEARING SHALL INCLUDE:

(I) A DETERMINATION ON THE ADEQUACY OF THE STEPS THE LOCAL DEPARTMENT IS TAKING TO ENSURE THAT THE CHILD’S FOSTER FAMILY HOME OR CHILD CARE INSTITUTION IS FOLLOWING THE REASONABLE AND PRUDENT PARENT STANDARD;

(II) A DETERMINATION OF WHETHER THE CHILD HAS REGULAR, ONGOING OPPORTUNITIES TO ENGAGE IN AGE-APPROPRIATE OR DEVELOPMENTALLY APPROPRIATE ACTIVITIES; AND

(III) A CONSULTATION WITH THE CHILD IN AN AGE-APPROPRIATE MANNER ABOUT THE OPPORTUNITIES FOR THE CHILD TO PARTICIPATE IN THE ACTIVITIES DESCRIBED IN ITEM (II) OF THIS PARAGRAPH.

[(3)] (4) (i) For a child placed in a qualified residential treatment program, the court shall:

1. Determine whether the ongoing needs assessments of the child support continued placement of the child in a qualified residential treatment program;

2. Determine whether placement in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment; and

3. Determine whether the continued placement in a qualified residential treatment program is consistent with the short-term and long-term goals for the child as specified in the permanency plan.

(ii) The court shall state, in writing, the reasons for its decision to approve or disapprove the continued placement of a child in a qualified residential treatment program under this paragraph.

[(4)] (5) Every reasonable effort shall be made to effectuate a permanent placement for the child within 24 months after the date of initial placement.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.

Approved by the Governor, April 21, 2022.