

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 765

(Senator Zucker, *et al.*)

Judicial Proceedings

Out-of-Home Placement Providers - Maximum Number of Children - Exemption

This bill requires the Department of Human Services (DHS) to adopt regulations setting the maximum number of children that may be placed with an out-of-home placement provider. The limitation on the number of children within the regulations does not apply to a child enrolled in an accredited institution of higher education (1) who is unable to remain on the institution's campus due to a scheduled break, a temporary closure of the institution, or a temporary leave of absence and (2) whose living arrangement in the home is mutually agreed to by the child, the out-of-home placement provider, and the provider agency. **The bill takes effect July 1, 2025.**

Fiscal Summary

State Effect: DHS can promulgate regulations using existing budgeted resources. Revenues are not affected.

Local Effect: The bill does not materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Current Law: DHS, through its Social Services Administration, has the primary responsibility for child welfare services throughout the State, which are provided primarily by the local departments of social services. In general, DHS oversees the licensing and regulation of provider agencies (or child placement agencies) and out-of-home placement providers.

DHS is required to establish a program of out-of-home placement for minor children (1) who are placed in the custody of a local department, for a period of up to 180 days, by a parent or legal guardian under a voluntary placement agreement; (2) who are abused, abandoned, neglected, or dependent, if a juvenile court has determined that continued residence in the child's home is contrary to the child's welfare and has committed the child to the custody or guardianship of a local department; or (3) who, with the approval of DHS, are placed in an out-of-home placement by a local department under a voluntary placement agreement regarding a child with a developmental disability or a mental illness, as specified. An out-of-home placement may include family foster care, group and residential care, kinship care, and a treatment foster care home.

Foster youth are generally allowed to remain in care up until age 21, as long as the youth is in school, enrolled in a training program or other program or activity to promote or remove barriers to employment, employed at least 80 hours per month, or disabled. Independent living after-care services are available for youth exiting care after turning age 18 but before turning age 21, including financial assistance, assistance with utilities and room and board, educational and employment services, counseling, and other services to assist with self-sufficiency. These services are available for up to 180 days but may be extended, and youth may reapply for services until age 21.

Pursuant to State regulations (COMAR 07.05.02.09), a certified foster parent may not have more than six children younger than age 18 in the home, including the foster parent's own children. No more than two children may be younger than age two. A foster parent may have up to eight children when caring for a sibling group of foster children. However, there may not be more than six children in the home if there is an infant in the home or if three of the children are younger than age six.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 809 (Delegate Griffith, *et al.*) - Appropriations.

Information Source(s): Department of Human Services; Department of Legislative Services

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