

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Joseph M. Getty
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 203
Children in Need of Assistance – Custody and Guardianship and
Review Hearings
DATE: January 11, 2022
(1/13)
POSITION: Oppose as drafted

The Maryland Judiciary opposes Senate Bill 203 as drafted. This bill amends Courts and Judicial Proceedings §§ 3-819.2 and 3-823. It removes from § 3-823 certain provisions regarding review hearings after custody and guardianship has been granted to individual and adds those provisions to § 3-819.2. The bill also adds certain required findings to review hearings for youth with a permanency plan of Another Planned Permanent Living Arrangement (APPLA).

The Judiciary supports the goals and intended consequences of the bill, but has three particular concerns. First, in instances where the court finds good cause to keep a case open after granting custody and guardianship, the language may be insufficiently clear on whether the case remains under the protective supervision of the department. If the local department's obligations are indeed terminated, then the court may no longer have jurisdiction over the case. Second, § 3-819.2(e)(3) would prohibit the court from holding a review hearing without seeing the child in person. This requirement could be quite difficult for a very young child, especially in the immediate aftermath of transferring custody, when the court might have review hearings several months in a row to ensure that the transfer is going smoothly. Third, the additional findings for APPLA youth are appropriate, but every permanency plan has questions that should be asked. This should be a matter for training, not statutory change.

cc. Hon. William C. Smith, Jr.
Judicial Council
Legislative Committee
Kelley O'Connor