
By: Chairman, Judicial Proceedings Committee (Departmental - Human Resources)

Requested: September 11, 1996

Introduced and read first time: January 8, 1997

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Court Reviews for Children in Out-of-Home Placements**

3 FOR the purpose of altering the time frame for certain review hearings; clarifying the
4 considerations to be made by the court during review hearings; clarifying that
5 certain guardianship petitions be filed and that certain guardianship hearings be
6 conducted in accordance with specific laws governing such proceedings; clarifying
7 the persons or entities the court may order to file certain petitions; adding to the
8 circumstances under which certain review hearings are not required; and generally
9 relating to children in need of assistance.

10 BY repealing and reenacting, with amendments,
11 Article - Courts and Judicial Proceedings
12 Section 3-826.1(a), (c), (d), (e), and (f)
13 Annotated Code of Maryland
14 (1995 Replacement Volume and 1996 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - Family Law
17 Section 1-201(a)(5), 5-304, and 5-525(e)
18 Annotated Code of Maryland
19 (1991 Replacement Volume and 1996 Supplement)

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

22 **Article - Courts and Judicial Proceedings**

23 3-826.1.

24 (a) No later than [10] 12 months after [disposition made in the case] INITIAL
25 PLACEMENT of a child alleged to be in need of assistance, the court shall hold a hearing
26 to review the implementation of a permanency plan for each child committed under §
27 3-820(c)(1)(ii) of this subtitle.

28 (c) At [the] EVERY review hearing for a child in placement, the court shall:

2

1 (1) (I) Determine the future status of the child, including whether the
2 child should be:

3 [(i)] 1. Returned to the parent or guardian;

4 [(ii)] 2. Placed with relatives [to whom] FOR adoption or
5 guardianship [is granted];

6 [(iii)] 3. Placed for adoption;

7 [(iv)] 4. Emancipated;

8 [(v)] 5. Because of the child's special needs or circumstances,
9 continued in placement on a permanent or long-term basis; or

10 [(vi)] 6. Because of the child's special needs or circumstances,
11 continued in placement for a specified period; or

12 [(2)] (II) For a child who has attained the age of 16, determine the services
13 needed to assist the child to make the transition from placement to independent
14 living[.]; AND

15 [(d) For a child whom the court determines shall be continued in placement under
16 subsection (c)(1)(vi) of this section:

17 (1) The court shall:

18 (i) (2) CONSIDER THE CASE IN LIGHT OF THE PERMANENCY
19 PLAN TO:

20 (I) Determine the continuing necessity for and appropriateness of the
21 commitment;

22 (ii) Determine the extent of compliance with the permanency plan;

23 (iii) Determine the extent of progress which has been made toward
24 alleviating or mitigating the causes necessitating commitment; and

25 (iv) [Project] IF NECESSARY, PROJECT a reasonable date by which a
26 child in placement may be returned home or placed for adoption or legal guardianship[;
27 and].

28 [(2)] (D) (1) [The] EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS
29 SECTION, THE court shall conduct a review hearing no less frequently than every 6
30 months until:

31 (I) [commitment] COMMITMENT is rescinded; OR

32 (II) THE CHILD REACHES THE AGE OF 18 YEARS.

33 [(3)] (2) Every reasonable effort shall be made to effectuate a permanent
34 placement for the child within 24 months from the date of initial placement.

35 (e) For a child whom the court determines shall be placed for adoption under
36 subsection [(c)(1)(iii)] (C)(1)(I)2 OR 3 of this section:

3

1 (1) The court shall order [that the petition for termination of parental
2 rights shall be filed within 30 days] A PARTY SUPPORTING A PLAN OF ADOPTION, WHO
3 IS OTHERWISE PERMITTED TO FILE A PETITION FOR GUARDIANSHIP IN
4 ACCORDANCE WITH TITLE 5, SUBTITLE 3 OF THE FAMILY LAW ARTICLE, TO FILE A
5 PETITION FOR TERMINATION OF PARENTAL RIGHTS WITHIN 30 DAYS; and

6 (2) The court shall schedule the termination of parental rights hearing IN
7 ACCORDANCE WITH TITLE 5, SUBTITLE 3 OF THE FAMILY LAW ARTICLE in lieu of the
8 next 6-month review hearing.

9 (f) For a child whom the court determines shall be placed in permanent foster
10 care under subsection [(c)(1)(v)] (C)(1)(I)5 of this section:

11 (1) The court may order permanent foster care or kinship care with a
12 specific caregiver who agrees to care for the child on a permanent basis; and

13 (2) No review hearing need be held unless the court orders otherwise.

14 **Article - Family Law**

15 1-201.

16 (a) An equity court has jurisdiction over:

17 (5) custody or guardianship of a child, except for a child who is under the
18 jurisdiction of the juvenile court OTHER THAN THE JUVENILE COURT FOR
19 MONTGOMERY COUNTY, and who previously has been adjudicated to be a child in need
20 of assistance;

21 5-304.

22 This subtitle is related to and should be read in relation to Subtitle 5 of this title
23 AND TITLE 3, SUBTITLE 8 OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE.

24 5-525.

25 (e) Unless a child has received a review from THE COURT OR the local board of
26 review of foster care under § 5-544 of Part IV of this subtitle, the local department shall
27 perform an administrative review every 6 months to determine the success of the efforts
28 to meet the goals set out in the permanency plan or the agreement with the parents or
29 guardians in voluntary placements.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 1997.