

# SENATE BILL 640

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9lr2403

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By: **Senators Kittleman, Colburn, Haines, and Jacobs**

Introduced and read first time: February 6, 2009

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Rights of Foster Parents**

3 FOR the purpose of altering the rights of foster parents to include the right to full  
4 access to a foster child's case file, the right of certain foster parents to  
5 participate at certain hearings, and the right to be represented by an attorney;  
6 and generally relating to the rights of foster parents.

7 BY repealing and reenacting, with amendments,  
8 Article - Family Law  
9 Section 5-504  
10 Annotated Code of Maryland  
11 (2006 Replacement Volume and 2008 Supplement)

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

14 **Article - Family Law**

15 5-504.

16 (a) Foster parents in this State have the following rights:

17 (1) the right, at the initial placement, at any time during the  
18 placement of a child in foster care, and as soon as practicable after new information  
19 becomes available, to [receive full information from the caseworker, except for  
20 information about the family members that may be privileged or confidential, on the  
21 physical, social, emotional, educational, and mental history of a child which would  
22 possibly affect the care provided by a foster parent] **FULL ACCESS TO THE CHILD'S  
23 CASE FILE, INCLUDING ALL BACKGROUND INFORMATION ON THE NATURAL  
24 PARENTS;**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) with regard to the local department case planning, the right to:

2 (i) except for meetings covered by the attorney–client privilege  
3 or meetings in which confidential information about the natural parents is discussed,  
4 be notified of, and when applicable, be heard at scheduled meetings and staffings  
5 concerning a child in order to actively participate, without superseding the rights of  
6 the natural parents to participate and make appropriate decisions regarding the child,  
7 in the case planning, administrative case reviews, interdisciplinary staffings, and  
8 individual educational planning and mental health team meetings;

9 (ii) be informed of decisions made by the courts or a child  
10 welfare agency concerning a child; and

11 (iii) provide input concerning the plan of services for a child and  
12 to have that input given full consideration by the local department; [and]

13 (3) the right to be given reasonable written notice, waived only in  
14 cases of a court order or when a child is determined to be at imminent risk of harm, of  
15 plans to terminate the placement of a child with a foster parent;

16 **(4) FOR FOSTER PARENTS WHO HAVE HAD CONTINUOUS,**  
17 **LONG–TERM CARE OF A FOSTER CHILD, THE RIGHT TO PARTICIPATE DURING**  
18 **ALL HEARINGS RELATING TO THE FOSTER CHILD; AND**

19 **(5) THE RIGHT TO BE REPRESENTED BY AN ATTORNEY, AT THE**  
20 **FOSTER PARENT’S OWN EXPENSE, WITH REGARD TO THE FOSTER CHILD’S CASE.**

21 (b) This section does not create, and may not be construed to create, a cause  
22 of action for foster parents.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 2009.