

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

Senate Bill 265

(Chair, Judicial Proceedings Committee)(By Request -
Maryland Judicial Conference)

Judicial Proceedings

Judiciary

**Children in Need of Assistance - Rights of Preadoptive Parents, Foster Parents,
and Caregivers of Child**

This bill expands, to *any* juvenile court proceeding involving a child in need of assistance, unless waived for good cause, the requirement that the local department of social services provide at least 10 days' written notice to preadoptive parents, foster parents, or their attorneys, of the proceeding and the right to be heard at the proceeding. The bill repeals requirements relating to the rights of a relative to be given notice of and an opportunity to be heard at a proceeding and substitutes requirements for notice to be provided to caregivers of a child, and for the caregivers to have a right to be heard at the proceeding. The foster parent, preadoptive parent, caregiver, or an attorney for these individuals may not be considered to be a party solely on the basis of the right to notice and the right to be heard.

Fiscal Summary

State Effect: The Judiciary and the Department of Human Resources can handle the bill's requirements using existing resources. In addition, the bill may help protect Title IV-E funding by ensuring that Maryland law conforms to federal guidelines.

Local Effect: The circuit courts can handle the bill's requirements using existing resources.

Small Business Effect: None.

Analysis

Current Law: If practicable, before any permanency planning hearing or permanency plan review hearing, the local department must give at least 10 days' notice to the child's foster parent, preadoptive parent, or relative providing care for the child of the date, time, and place of the hearing and the right to be heard. Unless waived for good cause, the notice must be in writing. The foster parent, preadoptive parent, relative, or an attorney for any of these individuals must be given the right to be heard at the hearing, but may not be considered to be a party solely on the basis of the right to notice and the right to be heard. A child's caregiver is entitled to be heard at a guardianship review hearing and a local department must give the caregiver at least seven days' notice before the hearing.

A "preadoptive parent" is an individual whom a child placement agency, as defined in State law, approves to adopt a child who has been placed in the individual's home for adoption before the order of adoption.

Background: This bill is intended to conform to federal law, which requires that foster parents, and any preadoptive parent, or relative providing care for the child be provided with notice of, and a right to be heard in, any proceeding to be held with respect to the child.

Additional Information

Prior Introductions: None.

Cross File: HB 278 (Chair, Judiciary Committee) (By Request - Maryland Judicial Conference) – Judiciary.

Information Source(s): Department of Human Resources, Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - February 5, 2013
ncs/kdm

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