

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 192

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

Judiciary

Judicial Proceedings

Juvenile Causes - Permanency Plans - Age Restrictions on Use of Another
Planned Permanent Living Arrangement

This bill establishes that a child’s permanency plan may be another planned permanent living arrangement that meets specified requirements only if the child is at least age 16.

Fiscal Summary

State Effect: The Department of Human Resources can handle the bill’s requirements using existing resources. The bill does not impact the workload of the Judiciary. In addition, the bill may help the State retain Title IV-E and IV-B federal funding by ensuring that Maryland law conforms to federal guidelines.

Local Effect: The bill does not impact the workload of the circuit courts.

Small Business Effect: None.

Analysis

Current Law: A child in need of assistance is a child who requires court intervention because (1) the child has been abused or neglected or has a developmental disability or a mental disorder and (2) the child’s parents, guardian, or custodian are unable or unwilling to provide proper care and attention to the child.

When developing a permanency plan for a child in an out-of-home placement, the local department of social services must give primary consideration to the best interests of the child, including consideration of both in-State and out-of-state placements. The local

department must consider specified factors in determining the permanency plan that is in the best interests of the child, including the child's safety, health, and emotional needs. To the extent consistent with the best interests of the child, the local department must consider the following permanency plans, in descending order of priority:

- returning the child to the child's parent or guardian, unless the local department is the guardian;
- placing the child with relatives to whom adoption, custody, and guardianship or care and custody, in descending order of priority, are planned to be granted;
- adoption, as specified; or
- another planned permanent living arrangement that (1) addresses the individualized needs of the child, including the child's educational plan, emotional stability, physical placement, and socialization needs and (2) includes goals that promote the continuity of relations with individuals who will fill a lasting and significant role in the child's life.

The juvenile court must hold a permanency planning hearing to determine the permanency plan for a child no later than 11 months after a child enters an out-of-home placement or within 30 days after the court finds that reasonable efforts to reunify a child with the child's parent or guardian are not required based on a finding of specified circumstances. At the hearing, the court must determine the child's permanency plan based on statutory factors. To the extent consistent with the best interests of the child, the permanency plan may be, in descending order of priority (1) reunification with the parent or guardian; (2) placement with a relative for adoption or custody and guardianship; (3) adoption by a nonrelative; (4) custody and guardianship by a nonrelative; or (5) another planned permanent living arrangement that meets the requirements set forth above.

The juvenile court must conduct an initial guardianship review hearing no later than 180 days after issuing an order granting guardianship of a child. The juvenile court must hold a guardianship review hearing at least once each year after the initial hearing until the juvenile court's jurisdiction terminates. At each guardianship review hearing, a juvenile court must determine whether (1) the child's current circumstances and placement are in the best interests; (2) the permanency plan that is in effect is in the child's best interests; and (3) reasonable efforts have been made to finalize the permanency plan that is in effect. A permanency plan, may be, in order of priority (1) adoption of the child; (2) custody and guardianship of the child by an individual; or (3) another planned permanent living arrangement that meets the requirements set forth above.

Background: The bill is intended to bring the State into compliance with federal law. The federal Preventing Sex Trafficking and Strengthening Families Act of 2014 prohibits the use of another planned permanent living arrangement for a child younger than age 16.

Additional Information

Prior Introductions: None.

Cross File: SB 360 (Chair, Judicial Proceedings Committee)(By Request - Maryland Judicial Conference) - Judicial Proceedings.

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

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