

HOUSE BILL 1207

D4, O4

(7lr1655)

ENROLLED BILL

— *Judiciary/Judicial Proceedings* —

Introduced by **Delegates Pena–Melnyk, Cullison, Krimm, Lierman, Morales, Tarlau, Valentino–Smith, K. Young, and P. Young**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Family Law – Treatment Foster Care Homes – Siblings**

3 FOR the purpose of authorizing the placement of more than two children in a treatment
4 foster care home in order to place siblings together if the local department makes a
5 certain written finding and notifies the Administration of the placement; defining ~~a~~
6 certain ~~term~~ terms; and generally relating to the placement of siblings in foster care.

7 BY repealing and reenacting, with amendments,

8 Article – Family Law

9 Section 5–525.2

10 Annotated Code of Maryland

11 (2012 Replacement Volume and 2016 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



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

Article – Family Law

5–525.2.

(a) **(1) IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) “SIBLING” MEANS A BROTHER OR SISTER OF THE WHOLE OR HALF BLOOD OR BY ADOPTION.

(3) ~~“TREATMENT~~ TREATMENT FOSTER CARE HOME” MEANS AN OUT-OF-HOME PLACEMENT FACILITY THAT IS PART OF A PROGRAM DESIGNED AND IMPLEMENTED BY A CHILD PLACEMENT AGENCY TO PROVIDE INTENSIVE CASEWORK AND TREATMENT IN A FAMILY SETTING TO CHILDREN WITH SPECIAL PHYSICAL, EMOTIONAL, OR BEHAVIORAL NEEDS.

(B) (1) A local department shall place together siblings who are in an out-of-home placement under § 5–525 of this subtitle if:

(i) it is in the best interests of the siblings to be placed together; and

(ii) placement of the siblings together does not conflict with a specific health or safety regulation.

(2) If placement of the siblings together conflicts with a specific health or safety regulation, the local department may place the siblings together if the local department makes a written finding describing how placement of the siblings together serves the best interests of the siblings.

(3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN ORDER TO PLACE SIBLINGS TOGETHER THE LOCAL DEPARTMENT MAY PLACE MORE THAN TWO CHILDREN WHO REQUIRE TREATMENT IN AN ELIGIBLE TREATMENT FOSTER CARE HOME IF:

(I) THE LOCAL DEPARTMENT MAKES A WRITTEN FINDING EXPLAINING WHY PLACEMENT OF THE SIBLINGS TOGETHER:

1. IS IN THE BEST INTERESTS OF THE SIBLINGS; AND

2. WILL NOT HARM OTHER CHILDREN PLACED AT THE SAME TREATMENT FOSTER CARE ~~HOMES~~ HOME; AND

1 (II) THE LOCAL DEPARTMENT NOTIFIES THE ADMINISTRATION
2 OF THE PLACEMENT.

3 (b) (C) (1) Any siblings who are separated due to a foster care or adoptive
4 placement may petition a court, including a juvenile court with jurisdiction over one or
5 more of the siblings, for reasonable sibling visitation rights.

6 (2) If a petitioner under this subsection petitions a court to issue a
7 visitation decree or to amend an order, the court:

8 (i) may hold a hearing to determine whether visitation is in the best
9 interest of the children;

10 (ii) shall weigh the relative interests of each child and base its
11 decision on the best interests of the children promoting the greatest welfare and least harm
12 to the children; and

13 (iii) may issue an appropriate order or decree.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2017.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.