

SENATE BILL 85

D4, O4

7lr1067

(PRE-FILED)

By: **Senator Conway**

Requested: November 4, 2016

Introduced and read first time: January 11, 2017

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of authorizing the placement of a certain number of children in a
4 treatment foster care home if certain children are siblings and if it is in the siblings'
5 best interests; defining a certain term; and generally relating to the placement of
6 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)

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

14 **Article – Family Law**

15 5–525.2.

16 (a) **IN THIS SECTION, “TREATMENT FOSTER CARE HOME” MEANS AN**
17 **OUT-OF-HOME PLACEMENT FACILITY THAT IS PART OF A PROGRAM DESIGNED AND**
18 **IMPLEMENTED BY A CHILD PLACEMENT AGENCY TO PROVIDE INTENSIVE CASEWORK**
19 **AND TREATMENT IN A FAMILY SETTING TO CHILDREN WITH SPECIAL PHYSICAL,**
20 **EMOTIONAL, OR BEHAVIORAL NEEDS.**

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

8 **(3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE LOCAL**
9 **DEPARTMENT MAY PLACE UP TO THREE CHILDREN WHO REQUIRE TREATMENT IN**
10 **AN ELIGIBLE TREATMENT FOSTER CARE HOME IF:**

11 **(I) AT LEAST TWO OF THE CHILDREN ARE SIBLINGS; AND**

12 **(II) IT IS IN THE BEST INTERESTS OF THE SIBLINGS TO BE**
13 **PLACED TOGETHER.**

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

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

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

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

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

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