

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 1212
Judiciary

(Delegate McComas, *et al.*)

Judicial Proceedings

Family Law - Kinship Caregivers

This departmental bill expands the kinship care program within the Department of Human Services (DHS) by allowing individuals who have specified relationships with a child to serve as a “kinship caregiver.” A “kinship caregiver” is an individual (1) with whom a child who is in the care, custody, or guardianship of the local department of social services may be placed for temporary or long-term care other than adoption and (2) who is approved by the local department. The bill also sets forth a process by which a local department may approve an individual as a kinship caregiver.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect the operations or finances of DHS or the Judiciary.

Local Effect: The bill is not anticipated to materially impact the workload of the circuit courts.

Small Business Effect: DHS has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Bill Summary: The bill authorizes a local department, if no kinship parent is located at the time of the initial placement, to place the child with a kinship caregiver as an alternative to foster care. If a kinship caregiver is located after a child has been placed in a foster care

setting, the local department may, if it is in the best interest of the child, place the child with a kinship caregiver.

The local department may approve an individual as a kinship caregiver only if (1) the individual is related to the child by blood or marriage beyond five degrees of consanguinity or affinity, as specified, or is a close family friend of the child or the child's family; (2) the individual has a strong familial or other significant bond to the child or the child's family; (3) the individual has maintained regular contact with the child or the child's family sufficient to demonstrate strong familiarity with the child's activities and daily needs; and (4) placement with the individual is in the child's best interest. A prospective kinship caregiver must submit an affidavit that includes specific facts to enable the local department to determine whether the individual meets this criteria. A kinship caregiver may not be younger than age 21.

Current Law: The Social Services Administration within DHS is required to maintain a program for kinship care, which is continuous 24-hour care and supportive services provided for a minor child placed by a child placement agency in the home of a relative by blood or marriage. A "kinship parent" is an individual who is related by blood or marriage within five degrees of consanguinity or affinity to a child who is in the care, custody, or guardianship of a local department and with whom the child may be placed for temporary or long-term care other than adoption.

When selecting a placement that is in the best interests of a child in need of out-of-home placement, the local department, as a first priority, must attempt to place the child with a kinship parent. The local department must exhaust all reasonable resources to locate a kinship parent for initial placement of a child. If no kinship parent is located at the time of the initial placement, the child must be placed in a foster care setting. If a kinship parent is located subsequent to the placement of a child and it is in the best interest of the child, the local department may place the child with the kinship parent. A kinship parent may not be younger than age 18.

Background: DHS advises that the bill is intended to allow additional qualified caregivers to be available as a placement resource for children needing an out-of-home placement. Because participation in the kinship program is limited to those adults related by blood or marriage within specified degrees, other individuals who have a significant bond with the child (sometimes referred to as "fictive kin") are excluded. However, federal law has recognized that children in foster care may have a familial relationship with people who are not related to them by blood or marriage, and permits states to include people such as godparents and family friends in state kinship programs.

State and Local Fiscal Effect: Although the Judiciary notes that authorizing DHS to place children with kinship caregivers instead of in foster care may result in fewer and/or less

complex hearings in some child welfare cases, the Department of Legislative Services advises that the bill is not anticipated to materially impact the workload of the circuit courts. DHS further notes that any potential reduction in the foster care caseload as a result of the bill is not anticipated to materially impact child welfare expenditures.

Additional Information

Prior Introductions: None.

Cross File: SB 24 (Chair, Judicial Proceedings Committee)(By Request - Departmental - Human Services) - Judicial Proceedings.

Information Source(s): Montgomery County; Judiciary (Administrative Office of the Courts); Department of Human Services; Department of Legislative Services

Fiscal Note History: First Reader - February 19, 2019
mag/kdm Third Reader - March 15, 2019

Analysis by: Jennifer K. Botts

Direct Inquiries to:
(410) 946-5510
(301) 970-5510

ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Family Law –Kinship Caregiver

BILL NUMBER: SB0024/HB1212

PREPARED BY: Department of Human Services
(Dept./Agency)

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND
SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND
SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS