

Department of Legislative Services  
Maryland General Assembly  
2020 Session

FISCAL AND POLICY NOTE  
Third Reader - Revised

Senate Bill 586

(Senator Waldstreicher, *et al.*)

Judicial Proceedings

Judiciary

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Foster Parents, Preadoptive Parents, and Caregivers – Request to Intervene

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This bill establishes the right for foster parents, preadoptive parents, or caregivers to request to be designated as a party in specified proceedings involving the welfare or placement of the child. The bill also requires the circuit court to provide specified notice regarding such proceedings to a child’s foster parent, preadoptive parent, or caregiver and provides additional rights to kinship parents.

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Fiscal Summary

**State Effect:** Potential minimal notification costs for the Judiciary, as discussed below. Revenues are not affected.

**Local Effect:** Potential minimal notification costs for the circuit courts, as discussed below. Local revenues are not affected.

**Small Business Effect:** None.

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Analysis

**Bill Summary/Current Law:** Under current law, before any proceeding concerning a child, the local department of social services must give at least 10 days’ notice in writing to the child’s foster parent, preadoptive parent, or caregiver of the date, time, and place of the proceeding and the right to be heard at the proceeding. Pursuant to the bill, these individuals must also be provided notice regarding the right to request to be designated as a party in the proceedings. The bill also adds that the circuit court (in addition to the local department) must provide the required notice to these individuals.

Under the bill, foster parents, preadoptive parents, or caregivers may request to be designated as a party in a permanency planning hearing or a review hearing, as specified. If the requesting individual has been living with the child for less than 12 months, the court, at its discretion, *may* designate the foster parent, preadoptive parent, or caregiver as a party. Unless the court determines that the designation would be contrary to the best interest of the child, if a foster parent, preadoptive parent, or caregiver has been living with the child for at least 12 months, the court, on request, *must* designate the individual as a party. The above provisions may not be construed to alter specified purposes regarding the conservation and strengthening of the child's family ties and achieving a timely, permanent placement for the child. The provisions may also not be construed to alter a prohibition against a local department seeking custody or guardianship of a child for placement in foster care solely because the child's parent or guardian lacks shelter, has a disability, or is financially unable to provide treatment or care, as specified.

Under current law, a "party" does not include a foster parent. The bill specifies that a party does not include a foster parent unless that foster parent has been designated as a party.

Under current law, foster parents are afforded numerous rights, including:

- the right to obtain full information from the caseworker, subject to exceptions regarding privileged or confidential matters, on the physical, social, emotional, educational, and mental history of a child which would possibly affect the care provided by a foster parent;
- with regard to local department case planning, the right to be informed of decisions made by the courts or a child welfare agency concerning a child and the right to provide input, among other rights; and
- the right to be given reasonable written notice of plans to terminate the placement of a child with a foster parent, subject to specified exceptions.

The bill extends these rights to kinship parents and specifies that foster parents and kinship parents have the right to request to be designated as a party in any proceeding involving the welfare or placement of a child.

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.

**State/Local Fiscal Effect:** General fund expenditures for the Judiciary and the circuit courts may increase minimally to provide written notice of proceedings as required by the bill. Although unable to quantify a precise fiscal estimate, the Judiciary notes that foster parents and caregivers change frequently in child in need of assistance cases, and making  
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the circuit courts jointly responsible for meeting the notice requirement places an additional burden on the courts.

The extent to which the authorization/requirement for additional individuals to be designated as parties may impact decisions regarding a child's welfare or placement (and associated State funding related to such services) cannot be reliably predicted beforehand and is therefore not accounted for in this fiscal and policy note.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** HB 369 (Delegate Dumais) - Judiciary.

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

**Fiscal Note History:** First Reader - February 5, 2020  
rh/lgc Third Reader - April 3, 2020  
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