

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 203

(Chair, Judicial Proceedings Committee)(By Request -
Departmental - Human Services)

Judicial Proceedings

Judiciary

**Children in Need of Assistance – Custody and Guardianship and Review
Hearings**

This departmental bill adds additional requirements for hearings to review the permanency plan of a child in need of assistance (CINA) who is in an out-of-home placement. The bill also makes numerous organizational and stylistic changes.

Fiscal Summary

State Effect: The bill does not materially affect the workload of the Judiciary or the Department of Human Services (DHS). The bill may help protect federal funding by ensuring that Maryland law conforms to federal requirements.

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

Small Business Effect: A small business impact statement was not provided by DHS in time for inclusion in this fiscal and policy note. A revised fiscal and policy note will be issued when the department's assessment becomes available.

Analysis

Bill Summary/Current Law: Under current law, a CINA is a child who requires court intervention because (1) the child has been abused or neglected, has a developmental disability, or has a mental disorder and (2) the child's parents, guardian, or custodian are unable or unwilling to give proper care and attention to the child and the child's needs. Statutory provisions outline numerous requirements for CINA proceedings, including those related to mandatory hearings. A juvenile court may grant custody and guardianship

of a CINA to a relative or nonrelative, which terminates the child's case unless the court finds good cause not to terminate. If the court finds good cause not to terminate a case after granting custody and guardianship to a relative or other individual, the court must conduct a review hearing every 12 months until the case is terminated. The court may not conclude a review hearing unless the court has seen the child in person.

Under current law, the court must generally conduct a hearing at least every 6 months to review the permanency plan of a CINA in out-of-home placement until commitment is rescinded or a voluntary placement is terminated. The court must conduct a review hearing every 12 months after the court determines that the child continue in an out-of-home placement with a specific caregiver who agrees to care for the child on a permanent basis. At the review hearing, the court must take specified actions, including determining the continuing necessity for and appropriateness of the commitment and determining and documenting in its order whether reasonable efforts have been made to finalize the permanency plan that is in effect.

The bill repeals the exception for a review hearing every 12 months if the child is continued in an out-of-home placement with a specific caregiver, as specified above. The bill also requires the court at review hearings to determine the appropriateness of and the extent of compliance with the case plan for the child. When the permanency plan is another planned permanent living arrangement, the bill also requires the review hearing to include (1) a determination on the adequacy of the steps the local department is taking to ensure that the child's foster family home or child care institution is following the reasonable and prudent parent standard; (2) a determination of whether the child has regular, ongoing opportunities to engage in age- or developmentally appropriate activities; and (3) a consultation with the child in an age-appropriate manner regarding the opportunities for the child to participate in such activities.

Background: DHS advises that although the courts currently hold a hearing every six months to review a child's permanency plan, the hearings do not cover all of the items required by federal law. The bill requires additional items to be consistently determined at each review hearing in order to bring the State into compliance with federal law.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

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

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