

HOUSE BILL 1499

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CF SB 708

By: **Delegate Clippinger**

Introduced and read first time: February 16, 2024

Assigned to: Rules and Executive Nominations

Re-referred to: Judiciary, February 26, 2024

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2024

CHAPTER _____

1 AN ACT concerning

2 **Family Law – Kinship Care**

3 FOR the purpose of altering the definition of relative to mean an individual who is a kinship
4 caregiver for purposes of provisions of law relating to children in need of assistance;
5 altering provisions of law relating to the kinship care program in the Department of
6 Human Services and certain procedures for the placement of children in need of
7 out-of-home placement; and generally relating to kinship care.

8 BY repealing and reenacting, without amendments,

9 Article – Courts and Judicial Proceedings

10 Section 3–801(a)

11 Annotated Code of Maryland

12 (2020 Replacement Volume and 2023 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Courts and Judicial Proceedings

15 Section 3–801(x)

16 Annotated Code of Maryland

17 (2020 Replacement Volume and 2023 Supplement)

18 BY repealing and reenacting, without amendments,

19 Article – Family Law

20 Section 1–101(h)

21 Annotated Code of Maryland

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.



(2019 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,
 Article – Family Law
 Section 5–534
 Annotated Code of Maryland
 (2019 Replacement Volume and 2023 Supplement)

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

Article – Courts and Judicial Proceedings

3–801.

(a) In this subtitle, the following words have the meanings indicated.

(x) “Relative” means an individual who is A KINSHIP CAREGIVER, AS DEFINED IN § 5–534 OF THE FAMILY LAW ARTICLE[:

(1) Related to the child by blood or marriage within five degrees of consanguinity or affinity under the civil law; and

(2) (i) At least 21 years old; or

(ii) 1. At least 18 years old; and

2. Lives with a spouse who is at least 21 years old].

Article – Family Law

1–101.

(h) “Local department” means:

(1) a local department of social services; or

(2) in Montgomery County, the county department of health and human services.

5–534.

(a) (1) In this section [the following words have the meanings indicated.

(2) “Kinship], “KINSHIP caregiver” means an individual:

1 (i) with whom a child who is in the care, custody, or guardianship of
2 the local department may be placed for temporary or long-term care other than adoption;
3 and

4 (ii) who is approved by the local department under subsection (e) of
5 this section.

6 **(2) "KINSHIP CAREGIVER" INCLUDES:**

7 **(I) A KINSHIP PARENT;**

8 **(II) AN INDIVIDUAL WHO IS RELATED TO THE CHILD THROUGH**
9 **BLOOD OR MARRIAGE, ADOPTION, TRIBAL LAW OR CUSTOM, OR CULTURAL CUSTOM**
10 **OR PRACTICE; AND**

11 **(III) AN INDIVIDUAL WHO IS UNRELATED TO THE CHILD BUT HAS**
12 **A STRONG FAMILIAL OR OTHER SIGNIFICANT BOND WITH THE CHILD, OR IS A**
13 **PERSON IDENTIFIED BY THE CHILD'S PARENT.**

14 **[(3) "Kinship parent" means an individual who is related by blood or**
15 **marriage within five degrees of consanguinity or affinity under the civil law rule to a child**
16 **who is in the care, custody, or guardianship of the local department and with whom the**
17 **child may be placed for temporary or long-term care other than adoption.]**

18 (b) The [Administration] **SECRETARY OF HUMAN SERVICES** shall establish
19 **AND MAINTAIN** a kinship care program.

20 (c) (1) In selecting a placement that is in the best interests of a child in need
21 of out-of-home placement, [the local department shall, as a first priority, attempt to place
22 the child with a kinship parent] **IN THE ABSENCE OF GOOD CAUSE TO THE CONTRARY,**
23 **THE LOCAL DEPARTMENT SHALL GIVE PREFERENCE TO PLACEMENT WITH A**
24 **KINSHIP CAREGIVER.**

25 (2) The local department shall exhaust all reasonable resources to **MAKE**
26 **PROACTIVE, THOROUGH, AND TIMELY EFFORTS TO** locate a kinship [parent]
27 **CAREGIVER** for initial placement of the child.

28 (3) If [no kinship parent is located] **THE LOCAL DEPARTMENT CANNOT**
29 **LOCATE A KINSHIP CAREGIVER** at the time of the initial placement, **THEN PREFERENCE**
30 **SHALL BE GIVEN TO A PLACEMENT THAT MOST APPROXIMATES A FAMILY IN WHICH**
31 **THE CHILD'S SPECIAL NEEDS, IF ANY, MAY BE MET, TAKING INTO ACCOUNT THE**
32 **FOLLOWING:**

1 (i) [except as provided in item (ii) of this paragraph, the child shall
2 be placed in a foster care setting; or] **THE PROXIMITY OF THE PLACEMENT TO THE**
3 **CHILD’S HOME, EXTENDED FAMILY, OR SIBLINGS;**

4 (ii) [as an alternative to foster care, the local department may place
5 the child for initial placement with a kinship caregiver] **THE CHILD’S CULTURE OR**
6 **LANGUAGE CONTINUITY;**

7 **(III) THE CHILD’S AGE; AND**

8 **(IV) THE CHILD’S DEVELOPMENTAL AND EDUCATIONAL NEEDS.**

9 (4) If [a kinship parent or] a kinship caregiver is located subsequent to the
10 placement of a child in a foster care setting, the local department [may] **SHALL**, [if it is] in
11 the best interest of the child, place the child with the [kinship parent or] kinship caregiver.

12 (d) [(1)] A kinship [parent] **CAREGIVER** may not be under the age of 18 years.

13 [(2)] A kinship caregiver may not be under the age of 21 years.]

14 (e) (1) The local department [may] **SHALL** approve an individual as a kinship
15 caregiver [only] if:

16 (i) the individual is related to the child [by] **THROUGH** blood or
17 marriage [beyond five degrees of consanguinity or affinity under the civil law or rule or is
18 a close family friend of the child or the child’s family], **ADOPTION, TRIBAL LAW OR**
19 **CUSTOM, OR CULTURAL CUSTOM OR PRACTICE;**

20 (ii) the individual has a strong familial or other significant bond to
21 the child or the child’s family **OR IS A PERSON IDENTIFIED BY THE CHILD’S PARENT;**
22 **AND**

23 [(iii) the individual has maintained regular contact with the child or
24 the child’s family sufficient to demonstrate strong familiarity with the child’s activities and
25 daily needs; and

26 (iv)] **(III)** placement with the individual is in the child’s best
27 interest.

28 (2) A prospective kinship caregiver shall [submit] **PROVIDE** to the local
29 department [an affidavit that includes specific facts] **ANY INFORMATION THE LOCAL**
30 **DEPARTMENT REQUESTS** to enable the local department to determine whether the
31 individual meets the criteria specified in paragraph (1) of this subsection.

1 (f) The Administration shall adopt regulations [to implement this section that
2 are consistent with the provisions of this section] **AND POLICIES CONSISTENT WITH THIS**
3 **SECTION.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2024.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.