

SENATE BILL 137

D4

0lr1011
CF 0lr1012

By: **Chair, Judicial Proceedings Committee (By Request – Maryland Judicial Conference)**

Introduced and read first time: January 18, 2010

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Permanency Planning and Guardianship Review Hearings –**
3 **Consultation with Child**

4 FOR the purpose of requiring the juvenile court, in certain permanency planning and
5 guardianship review hearings, to place on the record a certain consultation with
6 the child at certain intervals; and generally relating to certain permanency
7 planning and guardianship review hearings.

8 BY repealing and reenacting, without amendments,
9 Article – Courts and Judicial Proceedings
10 Section 3–823(b), (c), and (h)(1)
11 Annotated Code of Maryland
12 (2006 Replacement Volume and 2009 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Courts and Judicial Proceedings
15 Section 3–823(k)
16 Annotated Code of Maryland
17 (2006 Replacement Volume and 2009 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article – Family Law
20 Section 5–326(a)(1)
21 Annotated Code of Maryland
22 (2006 Replacement Volume and 2009 Supplement)

23 BY adding to
24 Article – Family Law
25 Section 5–326(c)
26 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2006 Replacement Volume and 2009 Supplement)

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

4 **Article – Courts and Judicial Proceedings**

5 3–823.

6 (b) (1) The court shall hold a permanency planning hearing to determine
7 the permanency plan for a child:

8 (i) No later than 11 months after a child committed under
9 § 3–819 of this subtitle or continued in a voluntary placement under § 3–819.1(b) of
10 this subtitle enters an out–of–home placement; or

11 (ii) Within 30 days after the court finds that reasonable efforts
12 to reunify a child with the child’s parent or guardian are not required based on a
13 finding that a circumstance enumerated in § 3–812 of this subtitle has occurred.

14 (2) For purposes of this section, a child shall be considered to have
15 entered an out–of–home placement 30 days after the child is placed into an
16 out–of–home placement.

17 (3) If all parties agree, a permanency planning hearing may be held on
18 the same day as the reasonable efforts hearing.

19 (c) (1) On the written request of a party or on its own motion, the court
20 may schedule a hearing at any earlier time to determine a permanency plan or to
21 review the implementation of a permanency plan for any child committed under
22 § 3–819 of this subtitle.

23 (2) A written request for review shall state the reason for the request
24 and each issue to be raised.

25 (h) (1) (i) Except as provided in subparagraphs (ii) and (iii) of this
26 paragraph, the court shall conduct a hearing to review the permanency plan at least
27 every 6 months until commitment is rescinded or a voluntary placement is terminated.

28 (ii) The court shall conduct a review hearing every 12 months
29 after the court determines that the child shall be continued in out–of–home placement
30 with a specific caregiver who agrees to care for the child on a permanent basis.

31 (iii) 1. Unless the court finds good cause, a case shall be
32 terminated after the court grants custody and guardianship of the child to a relative or
33 other individual.

