

SENATE BILL 708

D4

4lr2960
CF 4lr3420

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

Introduced and read first time: January 31, 2024

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Kinship Care**

3 FOR the purpose of altering provisions of law relating to the kinship care program in the
4 Department of Human Services and certain procedures for the placement of children
5 in need of out-of-home placement; and generally relating to kinship care.

6 BY repealing and reenacting, without amendments,
7 Article – Family Law
8 Section 1–101(h)
9 Annotated Code of Maryland
10 (2019 Replacement Volume and 2023 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article – Family Law
13 Section 5–534
14 Annotated Code of Maryland
15 (2019 Replacement Volume and 2023 Supplement)

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

18 **Article – Family Law**

19 1–101.

20 (h) “Local department” means:

21 (1) a local department of social services; or

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 5-534.

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

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

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

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

9 (2) “**KINSHIP CAREGIVER**” INCLUDES:

10 (I) A KINSHIP PARENT;

11 (II) AN INDIVIDUAL WHO IS RELATED TO THE CHILD THROUGH
12 BLOOD OR MARRIAGE, ADOPTION, TRIBAL LAW OR CUSTOM, OR CULTURAL CUSTOM
13 OR PRACTICE; AND

14 (III) AN INDIVIDUAL WHO IS UNRELATED TO THE CHILD BUT HAS
15 A STRONG FAMILIAL OR OTHER SIGNIFICANT BOND WITH THE CHILD, OR IS A
16 PERSON IDENTIFIED BY THE CHILD’S PARENT.

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

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

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

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

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

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

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

12 **(III) THE CHILD’S AGE; AND**

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

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

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

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

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

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

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

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

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

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

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

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