

HOUSE BILL 1207

D4, O4

7lr1655
CF SB 85

By: **Delegates Pena–Melnyk, Cullison, Krimm, Lierman, Morales, Tarlau,
Valentino–Smith, K. Young, and P. Young**

Introduced and read first time: February 9, 2017

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Treatment Foster Care Homes – Siblings**

3 FOR the purpose of authorizing the placement of more than two children in a treatment
4 foster care home in order to place siblings together if the local department makes a
5 certain written finding and notifies the Administration of the placement; defining a
6 certain term; and generally relating to the placement of siblings in foster care.

7 BY repealing and reenacting, with amendments,

8 Article – Family Law

9 Section 5–525.2

10 Annotated Code of Maryland

11 (2012 Replacement Volume and 2016 Supplement)

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

14 **Article – Family Law**

15 5–525.2.

16 (a) **IN THIS SECTION, “TREATMENT FOSTER CARE HOME” MEANS AN**
17 **OUT–OF–HOME PLACEMENT FACILITY THAT IS PART OF A PROGRAM DESIGNED AND**
18 **IMPLEMENTED BY A CHILD PLACEMENT AGENCY TO PROVIDE INTENSIVE CASEWORK**
19 **AND TREATMENT IN A FAMILY SETTING TO CHILDREN WITH SPECIAL PHYSICAL,**
20 **EMOTIONAL, OR BEHAVIORAL NEEDS.**

21 (B) (1) A local department shall place together siblings who are in an
22 out–of–home placement under § 5–525 of this subtitle if:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) it is in the best interests of the siblings to be placed together; and

2 (ii) placement of the siblings together does not conflict with a specific
3 health or safety regulation.

4 (2) If placement of the siblings together conflicts with a specific health or
5 safety regulation, the local department may place the siblings together if the local
6 department makes a written finding describing how placement of the siblings together
7 serves the best interests of the siblings.

8 **(3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN ORDER TO**
9 **PLACE SIBLINGS TOGETHER THE LOCAL DEPARTMENT MAY PLACE MORE THAN TWO**
10 **CHILDREN WHO REQUIRE TREATMENT IN AN ELIGIBLE TREATMENT FOSTER CARE**
11 **HOME IF:**

12 **(I) THE LOCAL DEPARTMENT MAKES A WRITTEN FINDING**
13 **EXPLAINING WHY PLACEMENT OF THE SIBLINGS TOGETHER:**

14 **1. IS IN THE BEST INTERESTS OF THE SIBLINGS; AND**

15 **2. WILL NOT HARM OTHER CHILDREN PLACED AT THE**
16 **SAME TREATMENT FOSTER CARE HOMES; AND**

17 **(II) THE LOCAL DEPARTMENT NOTIFIES THE ADMINISTRATION**
18 **OF THE PLACEMENT.**

19 **[(b)] (C)** (1) Any siblings who are separated due to a foster care or adoptive
20 placement may petition a court, including a juvenile court with jurisdiction over one or
21 more of the siblings, for reasonable sibling visitation rights.

22 (2) If a petitioner under this subsection petitions a court to issue a
23 visitation decree or to amend an order, the court:

24 (i) may hold a hearing to determine whether visitation is in the best
25 interest of the children;

26 (ii) shall weigh the relative interests of each child and base its
27 decision on the best interests of the children promoting the greatest welfare and least harm
28 to the children; and

29 (iii) may issue an appropriate order or decree.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2017.