

## Chapter 655

(House Bill 161)

AN ACT concerning

### Family Law – ~~Permanency Planning and~~ Guardianship Review Hearings – Consultation with Child

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

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

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

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

BY adding to  
Article – Family Law  
Section 5–326(c)  
Annotated Code of Maryland  
(2006 Replacement Volume and 2009 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

3–823.

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

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

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

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

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

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

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

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

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

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

2. If the court finds good cause not to terminate a case, the court shall conduct a review hearing every 12 months until the case is terminated.

3. The court may not conclude a review hearing under subparagraph 2 of this subparagraph unless the court has seen the child in person.

(k) At least every 12 months at a hearing under this section, the court shall ~~consult~~ ~~PLACE~~ on the record ~~AN AGE APPROPRIATE CONSULTATION~~ with the child ~~in an age-appropriate manner~~.

**Article – Family Law**

5–326.

(a) (1) A juvenile court shall hold:

(i) an initial guardianship review hearing as scheduled under § 5–324(b)(1)(vi) of this subtitle to establish a permanency plan for the child; and

(ii) at least once each year after the initial guardianship review hearing until the juvenile court's jurisdiction terminates, a guardianship review hearing.

**(C) AT LEAST EVERY 12 MONTHS AT A HEARING UNDER THIS SECTION, THE COURT SHALL ~~PLACE~~ CONSULT ON THE RECORD ~~AN AGE APPROPRIATE CONSULTATION~~ WITH THE CHILD IN AN AGE-APPROPRIATE MANNER.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

**Approved by the Governor, May 20, 2010.**