

SENATE BILL 24

D4

(PRE-FILED)

9lr0097
CF 9lr2576

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

Requested: October 29, 2018

Introduced and read first time: January 9, 2019

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: January 29, 2019

CHAPTER _____

1 AN ACT concerning

2 **Family Law – Kinship Caregivers**

3 FOR the purpose of authorizing a local department of social services to place a child for a
4 certain initial placement with a kinship caregiver as an alternative to foster care
5 under certain circumstances; authorizing a local department to place a child with a
6 kinship caregiver if a kinship caregiver is located subsequent to the placement of the
7 child in a foster care setting; specifying that a kinship caregiver may not be under a
8 certain age; authorizing a local department to approve an individual as a kinship
9 caregiver under certain circumstances; requiring a prospective kinship caregiver to
10 submit a certain affidavit to the local department; defining “kinship caregiver”;
11 altering a certain definition; and generally relating to kinship care and kinship
12 caregivers.

13 BY repealing and reenacting, with amendments,
14 Article – Family Law
15 Section 5–501(e) and 5–534
16 Annotated Code of Maryland
17 (2012 Replacement Volume and 2018 Supplement)

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

20 **Article – Family Law**

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.



1 5-501.

2 (e) "Kinship care" means continuous 24-hour care and supportive services
3 provided for a minor child placed by a child placement agency in the home of a [relative
4 related by blood or marriage within the 5th degree of consanguinity or affinity under the
5 civil law rule] **KINSHIP PARENT OR KINSHIP CAREGIVER, AS THOSE TERMS ARE
6 DEFINED IN § 5-534 OF THIS SUBTITLE.**

7 5-534.

8 (a) **(1)** In this section[, "kinship] **THE FOLLOWING WORDS HAVE THE
9 MEANINGS INDICATED.**

10 **(2) "KINSHIP CAREGIVER" MEANS AN INDIVIDUAL:**

11 **(I) WITH WHOM A CHILD WHO IS IN THE CARE, CUSTODY, OR
12 GUARDIANSHIP OF THE LOCAL DEPARTMENT MAY BE PLACED FOR TEMPORARY OR
13 LONG-TERM CARE OTHER THAN ADOPTION; AND**

14 **(II) WHO IS APPROVED BY THE LOCAL DEPARTMENT UNDER
15 SUBSECTION (E) OF THIS SECTION.**

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

20 (b) The Administration shall establish a kinship care program.

21 (c) (1) In selecting a placement that is in the best interests of a child in need
22 of out-of-home placement, the local department shall, as a first priority, attempt to place
23 the child with a kinship parent.

24 (2) The local department shall exhaust all reasonable resources to locate a
25 kinship parent for initial placement of the child.

26 (3) If no kinship parent is located at the time of the initial placement:

27 **(I) EXCEPT AS PROVIDED IN ITEM (II) OF THIS PARAGRAPH, the
28 child shall be placed in a foster care setting; OR**

29 **(II) AS AN ALTERNATIVE TO FOSTER CARE, THE LOCAL
30 DEPARTMENT MAY PLACE THE CHILD FOR INITIAL PLACEMENT WITH A KINSHIP
31 CAREGIVER.**

1 (4) If a kinship parent **OR A KINSHIP CAREGIVER** is located subsequent
2 to the placement of a child in a foster care setting, the local department may, if it is in the
3 best interest of the child, place the child with the kinship parent **OR KINSHIP CAREGIVER**.

4 (d) (1) A kinship parent may not be [less than] **UNDER THE AGE OF 18 years**
5 [of age].

6 (2) **A KINSHIP CAREGIVER MAY NOT BE UNDER THE AGE OF 21 YEARS.**

7 (E) (1) **THE LOCAL DEPARTMENT MAY APPROVE AN INDIVIDUAL AS A**
8 **KINSHIP CAREGIVER ONLY IF:**

9 (I) **THE INDIVIDUAL IS RELATED TO THE CHILD BY BLOOD OR**
10 **MARRIAGE BEYOND FIVE DEGREES OF CONSANGUINITY OR AFFINITY UNDER THE**
11 **CIVIL LAW OR RULE OR IS A CLOSE FAMILY FRIEND OF THE CHILD OR THE CHILD'S**
12 **FAMILY;**

13 (II) **THE INDIVIDUAL HAS A STRONG FAMILIAL OR OTHER**
14 **SIGNIFICANT BOND TO THE CHILD OR THE CHILD'S FAMILY;**

15 (III) **THE INDIVIDUAL HAS MAINTAINED REGULAR CONTACT**
16 **WITH THE CHILD OR THE CHILD'S FAMILY SUFFICIENT TO DEMONSTRATE STRONG**
17 **FAMILIARITY WITH THE CHILD'S ACTIVITIES AND DAILY NEEDS; AND**

18 (IV) **PLACEMENT WITH THE INDIVIDUAL IS IN THE CHILD'S BEST**
19 **INTEREST.**

20 (2) **A PROSPECTIVE KINSHIP CAREGIVER SHALL SUBMIT TO THE**
21 **LOCAL DEPARTMENT AN AFFIDAVIT THAT INCLUDES SPECIFIC FACTS TO ENABLE**
22 **THE LOCAL DEPARTMENT TO DETERMINE WHETHER THE INDIVIDUAL MEETS THE**
23 **CRITERIA SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION.**

24 [(e)] (F) The Administration shall adopt regulations to implement this section
25 that are consistent with the provisions of this section.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2019.