

Chapter 429

**(Senate Bill 708)**

AN ACT concerning

**Family Law – Kinship Care**

FOR the purpose of altering the definition of relative to mean an individual who is a kinship caregiver for purposes of provisions of law relating to children in need of assistance; altering provisions of law relating to the kinship care program in the Department of Human Services and certain procedures for the placement of children in need of out-of-home placement; and generally relating to kinship care.

BY repealing and reenacting, without amendments,  
Article – Courts and Judicial Proceedings  
Section 3–801(a)  
Annotated Code of Maryland  
(2020 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 3–801(x)  
Annotated Code of Maryland  
(2020 Replacement Volume and 2023 Supplement)

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

BY repealing and reenacting, with amendments,  
Article – Family Law  
Section 5–534  
Annotated Code of Maryland  
(2019 Replacement Volume and 2023 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**

3–801.

(a) In this subtitle, the following words have the meanings indicated.

(x) “Relative” means an individual who is A KINSHIP CAREGIVER, AS DEFINED IN § 5-534 OF THE FAMILY LAW ARTICLE[:

(1) Related to the child by blood or marriage within five degrees of consanguinity or affinity under the civil law; and

(2) (i) At least 21 years old; or

(ii) 1. At least 18 years old; and

2. Lives with a spouse who is at least 21 years old].

### Article – Family Law

1-101.

(h) “Local department” means:

(1) a local department of social services; or

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

5-534.

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

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

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

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

**(2) “KINSHIP CAREGIVER” INCLUDES:**

**(I) A KINSHIP PARENT;**

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

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

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

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

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

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

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

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

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

**(III) THE CHILD’S AGE; AND**

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

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

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

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

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

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

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

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

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

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

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

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

**Approved by the Governor, May 9, 2024.**