

SENATE BILL 191

D4

(PRE-FILED)

5lr0337
CF 5lr0338

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

Requested: October 3, 2024

Introduced and read first time: January 8, 2025

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Children in Need of Assistance – Unlicensed Settings**

3 FOR the purpose of prohibiting a child in need of assistance from being placed in an
4 unlicensed setting except under certain circumstances; and generally relating to
5 children in need of assistance.

6 BY repealing and reenacting, with amendments,
7 Article – Courts and Judicial Proceedings
8 Section 3–819(b)(1)(iii)
9 Annotated Code of Maryland
10 (2020 Replacement Volume and 2024 Supplement)

11 BY adding to
12 Article – Family Law
13 Section 5–501(m) and 5–506.1
14 Annotated Code of Maryland
15 (2019 Replacement Volume and 2024 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Family Law
18 Section 5–501(m) and 5–506(b)
19 Annotated Code of Maryland
20 (2019 Replacement Volume and 2024 Supplement)

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

23 **Article – Courts and Judicial Proceedings**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



3–819.

(b) (1) In making a disposition on a CINA petition under this subtitle, the court shall:

(iii) Subject to paragraph (2) of this subsection, find that the child is in need of assistance and:

1. Not change the child’s custody status; or

2. Commit the child on terms the court considers appropriate to the custody of:

A. A parent;

B. Subject to § 3–819.2 of this subtitle, a relative, or other individual; or

C. **[A] SUBJECT TO § 5–506.1 OF THE FAMILY LAW ARTICLE**, A local department, the Maryland Department of Health, or both, including designation of the type of facility where the child is to be placed.

Article – Family Law

5–501.

(M) (1) “UNLICENSED SETTING” MEANS A SETTING FOR THE PLACEMENT OF A CINA THAT IS NOT LICENSED.

(2) “UNLICENSED SETTING” INCLUDES:

(I) A HOTEL OR MOTEL;

(II) A SHELTER DESIGNED TO MEET THE NEEDS OF A CHILD WHO HAS RUN AWAY OR WHO IS HOMELESS; AND

(III) AN OVERNIGHT STAY IN AN OFFICE OF THE DEPARTMENT.

(3) “UNLICENSED SETTING” DOES NOT INCLUDE:

(I) THE VOLUNTARY PLACEMENT OF A FORMER CINA;

(II) THE PLACEMENT OF A CHILD WITH AN INDIVIDUAL WHO IS IN THE PROCESS OF APPLYING TO BE A KINSHIP CAREGIVER OR FOSTER PARENT; OR

**(III) THE PLACEMENT OF A CHILD WITH A PARENT, INCLUDING
IN A FAMILY-BASED RESIDENTIAL TREATMENT SETTING.**

[(m)] (N) “Voluntary placement agreement” means a binding, written agreement that:

(1) is voluntarily entered into between a local department and:

(i) the parent or legal guardian of a minor child; or

(ii) a former CINA whose commitment to the local department was rescinded after the individual reached the age of 18 years but before the individual reached the age of 20 years and 6 months; and

(2) specifies, at a minimum:

(i) the legal status of the child or former CINA; and

(ii) the rights and obligations of the parent or legal guardian, the child or former CINA, and the local department while the child or former CINA is in placement.

5–506.

(b) In addition to other regulations adopted under this title, the Department may adopt regulations to carry out §§ **5–506.1**, 5–507, 5–508, 5–509, and 5–509.1 of this subtitle, which relate to the licensing of child placement agencies, child care homes, child care institutions, and residential educational facilities.

5–506.1.

(A) THIS SECTION DOES NOT APPLY TO A CHILD FOR WHOM THE JUVENILE COURT HAS DETERMINED THAT REUNIFICATION IS NOT IN THE CHILD’S BEST INTERESTS OR FOR WHOM THE JUVENILE COURT HAS NOT YET MADE THE REQUIRED FINDINGS UNDER § 9–101 OF THIS ARTICLE.

(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION:

(1) A CINA MAY NOT BE PLACED IN AN UNLICENSED SETTING; AND

(2) STATE FUNDS MAY NOT BE USED TO PAY FOR THE PLACEMENT OR SUPPORT OF A CHILD IN AN UNLICENSED SETTING.

(C) A CINA MAY BE PLACED IN AN UNLICENSED SETTING AND STATE FUNDS MAY BE USED TO PAY FOR THE PLACEMENT OR SUPPORT OF THE CHILD IF

1 THE AGENCY RESPONSIBLE FOR THE PLACEMENT AND CARE OF THE CHILD
2 DOCUMENTS AND DEMONSTRATES BY CLEAR AND CONVINCING EVIDENCE THAT:

3 (1) PROACTIVE, THOROUGH, AND TIMELY EFFORTS WERE MADE TO
4 PROVIDE SERVICES AND SUPPORTS TO THE CHILD AND THE CHILD'S FAMILY TO
5 SAFELY REUNIFY THE FAMILY AND THOSE EFFORTS WERE UNSUCCESSFUL DUE TO
6 REASONS WITHIN THE CONTROL OF THE CHILD OR FAMILY;

7 (2) THE AGENCY EXHAUSTED ALL REASONABLE RESOURCES TO MAKE
8 PROACTIVE, THOROUGH, AND TIMELY EFFORTS TO LOCATE A KINSHIP CAREGIVER
9 UNDER § 5-534 OF THIS SUBTITLE AND IDENTIFIED NECESSARY SERVICES AND
10 SUPPORTS TO PROVIDE A KINSHIP CAREGIVER WITH AN EQUAL OPPORTUNITY TO
11 CARE FOR THE CHILD AND THOSE EFFORTS WERE UNSUCCESSFUL DUE TO REASONS
12 WITHIN THE CONTROL OF THE CHILD OR KINSHIP CAREGIVER;

13 (3) THERE IS NO LICENSED FAMILY-BASED CARE AVAILABLE THAT
14 MEETS THE CHILD'S NEEDS; AND

15 (4) (I) THE AGENCY HAS EMPLOYED ALL AVAILABLE INCENTIVES
16 AND DISINCENTIVES TO OBTAIN A LICENSED PLACEMENT THAT IS IN THE LEAST
17 RESTRICTIVE SETTING AND THAT MOST APPROXIMATES A FAMILY AND MEETS THE
18 CHILD'S NEEDS; OR

19 (II) THE UNLICENSED SETTING IS A REASONABLE
20 ACCOMMODATION UNDER 43 U.S.C. 12132.

21 (D) A CHILD'S PLACEMENT IN AN UNLICENSED SETTING UNDER
22 SUBSECTION (C) OF THIS SECTION MAY NOT EXCEED 10 CALENDAR DAYS UNLESS
23 AUTHORIZED BY THE SECRETARY OF HUMAN SERVICES.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2025.