

# SENATE BILL 85

D4, O4

(PRE-FILED)

7lr1067  
CF HB 1207

By: ~~Senator Conway~~ Senators Conway, Brochin, Cassilly, Hough, Kelley, Lee, Muse, Norman, Ramirez, Ready, Smith, and Zirkin

Requested: November 4, 2016

Introduced and read first time: January 11, 2017

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 13, 2017

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

3 FOR the purpose of authorizing the placement of ~~a certain number of~~ more than two  
4 children in a treatment foster care home in order to place siblings together if certain  
5 children are siblings and if it is in the siblings' best interests the local department  
6 makes a certain written finding and notifies the Administration of the placement;  
7 defining a certain term terms; and generally relating to the placement of siblings in  
8 foster care.

9 BY repealing and reenacting, with amendments,  
10 Article – Family Law  
11 Section 5–525.2  
12 Annotated Code of Maryland  
13 (2012 Replacement Volume and 2016 Supplement)

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

### 16 **Article – Family Law**

17 5–525.2.

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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.



(a) **(1) IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) "SIBLING" MEANS A BROTHER OR SISTER OF THE WHOLE OR HALF BLOOD OR BY ADOPTION.**

**(3) ~~TREATMENT~~ TREATMENT FOSTER CARE HOME" MEANS AN OUT-OF-HOME PLACEMENT FACILITY THAT IS PART OF A PROGRAM DESIGNED AND IMPLEMENTED BY A CHILD PLACEMENT AGENCY TO PROVIDE INTENSIVE CASEWORK AND TREATMENT IN A FAMILY SETTING TO CHILDREN WITH SPECIAL PHYSICAL, EMOTIONAL, OR BEHAVIORAL NEEDS.**

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

- (i) it is in the best interests of the siblings to be placed together; and
- (ii) placement of the siblings together does not conflict with a specific health or safety regulation.

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

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

- ~~**(I) AT LEAST TWO OF THE CHILDREN ARE SIBLINGS; AND**~~
- ~~**(II) IT IS IN THE BEST INTERESTS OF THE SIBLINGS TO BE PLACED TOGETHER.**~~

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

- 1. IS IN THE BEST INTERESTS OF THE SIBLINGS; AND**
- 2. WILL NOT HARM OTHER CHILDREN PLACED AT THE SAME TREATMENT FOSTER CARE HOME; AND**

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

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

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

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

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

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

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.