

HB0980/843124/1

BY: Judiciary Committee

AMENDMENTS TO HOUSE BILL 980
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “**and Wivell**” and substitute “**Wivell, Cardin, Phillips, Simmons, Moreno, Taylor, Simpson, Conaway, and Woods**”.

AMENDMENT NO. 2

On page 1, in line 2, strike “**State Government**” and substitute “**Human Services**”; strike beginning with “**Child**” in line 2 down through “**Ombudsman**” in line 3 and substitute “**Guardianship Assistance Program and State Foster Youth Ombudsman – Establishment**”; in line 5, after “of” insert “requiring the Secretary of Human Services to establish and maintain a Guardianship Assistance Program to promote the placement and maintenance of children in permanent guardianship homes by providing guardianship assistance to guardians of minor children; establishing the State Foster Youth Ombudsman in the Department of Human Services;”; strike beginning with “requiring” in line 5 down through “Office;” in line 17; strike beginning with “child” in line 17 down through “Ombudsman” in line 18 and substitute “the Guardianship Assistance Program and the State Foster Youth Ombudsman”; and after line 18, insert:

“BY adding to

Article - Family Law

Section 5–530.1

Annotated Code of Maryland

(2019 Replacement Volume and 2025 Supplement)

BY repealing and reenacting, without amendments,

Article - Human Services

Section 2–101

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Annotated Code of Maryland
(2019 Replacement Volume and 2025 Supplement)

BY adding to

Article - Human Services
Section 2-304
Annotated Code of Maryland
(2019 Replacement Volume and 2025 Supplement)".

On pages 1 and 2, strike in their entirety the lines beginning with line 19 on page 1 through line 26 on page 2, inclusive.

AMENDMENT NO. 3

On page 3, strike in their entirety lines 15 through 26, inclusive; and after line 27, insert:

"5-530.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "GUARDIANSHIP ASSISTANCE" MEANS MONETARY AND MEDICAL ASSISTANCE PROVIDED UNDER THE PROGRAM.

(3) "PROGRAM" MEANS THE GUARDIANSHIP ASSISTANCE PROGRAM.

(B) THE SECRETARY OF HUMAN SERVICES SHALL ESTABLISH AND MAINTAIN A GUARDIANSHIP ASSISTANCE PROGRAM TO PROMOTE THE PLACEMENT AND MAINTENANCE OF CHILDREN IN PERMANENT GUARDIANSHIP

HOMES BY PROVIDING GUARDIANSHIP ASSISTANCE TO GUARDIANS OF MINOR CHILDREN.

(C) A GUARDIAN OF A MINOR CHILD MAY BE ELIGIBLE FOR GUARDIANSHIP ASSISTANCE IF:

(1) THE GUARDIAN IS APPOINTED UNDER § 5-326 OF THIS TITLE OR § 3-819.2 OF THE COURTS ARTICLE;

(2) THE MINOR CHILD IS PLACED IN FOSTER CARE IN THE GUARDIAN'S FAMILY HOME AT LEAST 6 CONSECUTIVE MONTHS IMMEDIATELY PRECEDING THE APPOINTMENT AS GUARDIAN; AND

(3) THE GUARDIAN ENTERED INTO A WRITTEN VOLUNTARY GUARDIANSHIP ASSISTANCE AGREEMENT WITH A LOCAL DEPARTMENT BEFORE THE APPOINTMENT AS GUARDIAN.

(D) ONCE APPROVED, GUARDIANSHIP ASSISTANCE MAY CONTINUE AFTER AN INDIVIDUAL WITH AN APPOINTED GUARDIAN REACHES THE AGE OF 18 YEARS IF THE INDIVIDUAL IS:

(1) ATTENDING SCHOOL;

(2) EMPLOYED ON AT LEAST A PART-TIME BASIS;

(3) PARTICIPATING IN A PROGRAM DESIGNED TO PROMOTE EMPLOYMENT OPPORTUNITIES; OR

(4) INCAPABLE OF WORKING DUE TO A DISABILITY.

(Over)

(E) GUARDIANSHIP ASSISTANCE SHALL TERMINATE NOT LATER THAN THE DAY THAT THE INDIVIDUAL WITH THE APPOINTED GUARDIAN REACHES THE AGE OF 21 YEARS.

(F) (1) LOCAL DEPARTMENTS SHALL ANNUALLY REVIEW THE GUARDIANSHIP ASSISTANCE PROVIDED UNDER THIS SECTION.

(2) A LOCAL DEPARTMENT MAY TERMINATE GUARDIANSHIP ASSISTANCE IF THE LOCAL DEPARTMENT DETERMINES, FOLLOWING AN ANNUAL REVIEW, THAT AN ADULT LIVES IN THE GUARDIAN'S HOME AND IS UNDER THE SUPERVISION OF A CRIMINAL COURT FOLLOWING A CONVICTION FOR A CRIME OF VIOLENCE INVOLVING A CHILD VICTIM OR REQUIRED TO REGISTER WITH A SUPERVISING AUTHORITY IN ACCORDANCE WITH § 11-704 OF THE CRIMINAL PROCEDURE ARTICLE.

(G) THE SECRETARY OF HUMAN SERVICES SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

Article – Human Services

2-101.

- (a) In this title the following words have the meanings indicated.
- (b) “Department” means the Department of Human Services.
- (c) “Secretary” means the Secretary of Human Services.

2-304.

(A) IN THIS SECTION, "OMBUDSMAN" MEANS THE STATE FOSTER YOUTH OMBUDSMAN.

(B) THERE IS A STATE FOSTER YOUTH OMBUDSMAN IN THE DEPARTMENT.

(C) (1) THE OMBUDSMAN SHALL:

(I) BE AN ATTORNEY ADMITTED TO PRACTICE LAW IN THE STATE;

(II) HAVE EXPERIENCE IN CHILD WELFARE;

(III) BE APPOINTED BY THE SECRETARY; AND

(IV) BE A FULL-TIME EMPLOYEE IN THE MANAGEMENT SERVICE OF THE STATE PERSONNEL MANAGEMENT SYSTEM.

(2) NOTWITHSTANDING § 11-305(B) OF THE STATE PERSONNEL AND PENSIONS ARTICLE, THE OMBUDSMAN MAY BE REMOVED FROM OFFICE ONLY AFTER A HEARING BEFORE THE DEPARTMENT AND A FINDING OF INCOMPETENCY OR OTHER GOOD CAUSE.

(D) THE DEPARTMENT SHALL TAKE APPROPRIATE STEPS TO PROTECT THE AUTONOMY AND INDEPENDENCE OF THE OMBUDSMAN.

(E) THE OMBUDSMAN IS ENTITLED TO AN ANNUAL SALARY AS PROVIDED FOR IN THE STATE BUDGET.

(Over)

(F) THE OMBUDSMAN SHALL:

(1) PROVIDE LEGAL EXPERTISE IN THE AREAS OF:

(I) CHILD WELFARE;

(II) CUSTODY AND GUARDIANSHIP MATTERS; AND

(III) APPEALS AND DUE PROCESS ISSUES;

(2) PROVIDE A NEUTRAL VOICE TO ADDRESS DIFFERENCES BETWEEN YOUTH EXPERIENCING OUT-OF-HOME CARE, CAREGIVERS, GUARDIANS, AND RESOURCE AND ADOPTIVE PARENTS INTERACTING WITH THE DEPARTMENT AND WITH LOCAL DEPARTMENTS OF SOCIAL SERVICES;

(3) INVESTIGATE COMPLAINTS FROM YOUTH EXPERIENCING OUT-OF-HOME CARE;

(4) ADDRESS CONCERNS, PROBLEMS, AREAS OF IMPROVEMENT IN SERVICE DELIVERY, OR NEEDS ASSOCIATED WITH THE RIGHTS AND RESPONSIBILITIES OF YOUTH EXPERIENCING OUT-OF-HOME CARE; AND

(5) ADVOCATE FOR YOUTH EXPERIENCING OUT-OF-HOME CARE.”.

On pages 3 through 21, strike in their entirety the lines beginning with line 28 on page 3 through line 7 on page 21, inclusive.

On page 21, in line 9, strike “2026” and substitute “2027”.