

MD Code, Family Law, T. 5, Subt. 5, Pt. I, Refs & Annos

MD Code, Family Law, § 5-501

§ 5-501. Definitions

Effective: October 1, 2013

In general

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

Administration

(b) “Administration” means:

(1) the Social Services Administration of the Department; or

(2) any other unit within the Department to which the Secretary of Human Resources has delegated in writing specified responsibilities of the Administration under this subtitle.

Child care provider

(c) “Child care provider” means the adult who has primary responsibility for the operation of a family child care home or large family child care home.

Family child care

(d) “Family child care” means the care given to a child under the age of 13 years or to any developmentally disabled person under the age of 21 years, in place of parental care for less than 24 hours a day, in a residence other than the child’s residence, for which the child care provider is paid.

Family child care home

(e) “Family child care home” means a residence in which family child care is provided for up to 8 children.

Foster care

(f) “Foster care” means continuous 24-hour care and supportive services provided for a minor child placed by a child placement agency in an approved family home.

Group care

(g) “Group care” means continuous 24-hour care and supportive services provided for a minor child placed in a licensed group facility.

Kinship care

(h) “Kinship care” means continuous 24-hour care and supportive services provided for a minor child placed by a child placement agency in the home of a relative related by blood or marriage within the 5th degree of consanguinity or affinity under the civil law rule.

Large family child care home

(i) “Large family child care home” means a residence in which family child care is provided for at least 9 but not more than 12 children.

License

(j)(1) “License” means a license issued by the Administration under this subtitle.

(2) “License” includes:

- (i) a child placement agency license;
- (ii) a child care home license;
- (iii) a child care institution license; and
- (iv) a residential educational facility license.

Local board

(k) “Local board” means a local citizen board of review for children in out-of-home care.

Out-of-home care

(l) “Out-of-home care” means:

- (1) out-of-home placement; and
- (2) the monitoring of and services provided to a child in aftercare following a child’s out-of-home placement.

Out-of-home placement

(m) “Out-of-home placement” means placement of a child into foster care, kinship care, group care, or residential treatment care.

Residential educational facility

(n) “Residential educational facility” means:

- (1) a facility that:
 - (i) provides special education and related services for students with disabilities;
 - (ii) holds a certificate of approval issued by the State Board of Education; and
 - (iii) provides continuous 24-hour care and supportive services to children in a residential setting; or

Annotated Code of Maryland _Family Law _Title 5. Children _Subtitle 5. Child Care; Foster Care _
Part I. Definitions; General Provisions

(2) one of the following schools:

- (i) the Benedictine School;
- (ii) the Linwood School;
- (iii) the Maryland School for the Blind; or
- (iv) the Maryland School for the Deaf.

Residential treatment care

(o) “Residential treatment care” means continuous 24-hour care and supportive services for a minor child placed in a facility that provides formal programs of basic care, social work, and health care services.

State Board

(p) “State Board” means the State Citizens Review Board for Children.

Unregistered family child care home

(q) “Unregistered family child care home” means a residence in which family child care is provided and in which the child care provider:

- (1) has not obtained a certificate of registration from the State Department of Education;
- (2) is not related by blood or marriage to each child in the provider’s care;
- (3) is not a friend of each child’s parents or legal guardian and is providing care on a regular basis; and
- (4) has not received the care of the child from a child placement agency licensed by the Administration or by a local department.

Voluntary placement agreement

(r) “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

Annotated Code of Maryland _Family Law _Title 5. Children _Subtitle 5. Child Care; Foster Care _
Part I. Definitions; General Provisions

(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.

MD Code, Family Law, § 5-502

§ 5-502. Findings of General Assembly

Effective: January 1, 2012

Declarations

(a) The General Assembly declares that:

(1) minor children are not capable of protecting themselves; and

(2) when a parent has relinquished the care of the parent's minor child to others, there is a possibility of certain risks to the child that require compensating measures.

Policy

(b) It is the policy of this State:

(1) to protect minor children whose care has been relinquished to others by the children's parent;

(2) to resolve doubts in favor of the child when there is a conflict between the interests of a minor child and the interests of an adult; and

(3) to encourage the development of child care services for minor children in a safe, healthy, and homelike environment.

MD Code, Family Law, § 5-503

Formerly cited as MD FAMILY § 5-503; MD CODE Art. 27, § 399

§ 5-503. Corporations for the care and protection of minor children

Effective: October 1, 2007

Powers of Administration and Department of Juvenile Services

(a) This section does not limit the powers of the Administration under this subtitle or the Department of Juvenile Services under Title 9 of the Human Services Article.

Authority of agents, officers, and representatives

Current through chapters effective June 1, 2014, of the 2014 Regular Session of the General Assembly.

Annotated Code of Maryland _Family Law _Title 5. Children _Subtitle 5. Child Care; Foster Care _
Part I. Definitions; General Provisions

(b) An agent, officer, or representative of a Maryland corporation formed for the care, custody, or protection of minor children who has care or custody of a minor child has the authority and privileges of a law enforcement officer for any purpose related to the objectives of the corporation.

Interfering with or obstructing agents, officers, and representatives

(c)(1) A person, including a person acting under claim or color of authority over a minor child as a parent, guardian, or otherwise, may not interfere with or obstruct an agent, officer, or representative described in subsection (b) of this section in relation to the care, custody, or protection of the minor child by the agent, officer, or representative.

(2) A person who violates this subsection is guilty of a misdemeanor.

MD Code, Family Law, § 5-504

§ 5-504. Rights of foster parents

In general

(a) Foster parents in this State have the following rights:

(1) the right, at the initial placement, at any time during the placement of a child in foster care, and as soon as practicable after new information becomes available, to receive full information from the caseworker, except for information about the family members that may be privileged or confidential, on the physical, social, emotional, educational, and mental history of a child which would possibly affect the care provided by a foster parent;

(2) with regard to the local department case planning, the right to:

(i) except for meetings covered by the attorney-client privilege or meetings in which confidential information about the natural parents is discussed, be notified of, and when applicable, be heard at scheduled meetings and staffings concerning a child in order to actively participate, without superseding the rights of the natural parents to participate and make appropriate decisions regarding the child, in the case planning, administrative case reviews, interdisciplinary staffings, and individual educational planning and mental health team meetings;

(ii) be informed of decisions made by the courts or a child welfare agency concerning a child; and

(iii) provide input concerning the plan of services for a child and to have that input given full consideration by the local department; and

(3) the right to be given reasonable written notice, waived only in cases of a court order or when a child is determined to be at imminent risk of harm, of plans to terminate the placement of a child with a foster parent.

Cause of action not created

(b) This section does not create, and may not be construed to create, a cause of action for foster parents.

MD Code, Family Law, § 5-505

§ 5-505. Cordless window covering requirements

Effective: January 1, 2012

Definitions

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

(2) “Beaded chain” means a series of small spheres, equally spaced on a cord or connected by metal shafts used to raise and lower a window covering.

(3) “Cord loop” means a curving or doubling of a beaded chain or cord to form a closed loop.

(4) “Cordless window covering” means:

(i) a horizontal blind or cellular shade that has no draw cord and the internal lift cord runs in the slats of the horizontal blind so that the cord is incapable of forming a loop greater than 7.25 inches;

(ii) a Roman shade, roll-up blind, or woven shade that has no draw cord and the lift cord is completely enclosed so that it is not accessible;

(iii) a vertical blind that has a wand as its operating mechanism and does not contain any beaded chains, corded pulleys, or other cord loop operating mechanisms; and

(iv) a roller shade that does not contain a cord or beaded chain.

(5) “Draw cord” means any form of rope, strap, or string used to raise or lower a window covering.

(6) “Internal lift cord” means a cord that is contained inside the body and rails of the blind or shade.

(7) “Wand” means a rod used to:

(i) rotate a vertical blind; or

(ii) tilt a horizontal blind.

Scope of section

(b) This section applies only to foster homes, family child care homes, large family child care homes, and child care centers in the State.

Annotated Code of Maryland _Family Law _Title 5. Children _Subtitle 5. Child Care; Foster Care _
Part I. Definitions; General Provisions

In general

(c)(1) All new and replacement window coverings installed on or after October 1, 2010, shall be cordless window coverings.

(2) All window coverings in place before October 1, 2010, shall meet minimum safety standards established in regulations jointly adopted by the Department and the State Department of Education that include standards for:

(i) Roman shades, roll-up shades, woven shades, and all window coverings with exposed and unsecured cords;

(ii) horizontal blinds, cellular shades, and all window coverings that have draw cords for their operation; and

(iii) vertical blinds and other window covering products with loops utilized in their operation.

(3) If a person fails to comply with the requirements of subsection (c)(2) of this section, the appropriate agency may require replacement of existing window coverings with cordless window coverings.