

5-327. FAILED CONDITIONAL PLACEMENT DURING GUARDIANSHIP.

IF, AFTER A JUVENILE COURT GRANTS GUARDIANSHIP, A PARTY BECOMES AWARE THAT A CONDITION OF CONSENT TO THE GUARDIANSHIP MAY NOT BE FULFILLED:

(1) THE PARTY PROMPTLY SHALL:

(I) FILE NOTICE WITH THE JUVENILE COURT; AND

(II) GIVE NOTICE TO ALL OF THE OTHER PARTIES;

(2) THE JUVENILE COURT SHALL SCHEDULE A HEARING TO OCCUR WITHIN 30 DAYS AFTER THE FILING OF THE NOTICE; AND

(3) IF THE PARTY WHOSE CONDITION CANNOT BE FULFILLED FAILS TO ENTER INTO A NEW CONSENT, THE JUVENILE COURT SHALL:

(I) SET ASIDE THE GUARDIANSHIP ORDER;

(II) SET THE CASE IN FOR A PROMPT TRIAL ON THE MERITS OF THE GUARDIANSHIP PETITION; AND

(III) REOPEN THE CINA CASE FOR REVIEW AS REQUIRED UNDER TITLE 3, SUBTITLE 8 OF THE COURTS ARTICLE.

COMMITTEE NOTE: This section is new and added to provide for the effect when a condition of the newly authorized conditional consent cannot be fulfilled.

Defined terms: "CINA case" § 1-101

"Guardianship" § 5-301

"Juvenile court" § 1-101

"Party" § 5-301

5-328. TERMINATION OF GUARDIANSHIP.

(A) LOCAL DEPARTMENT GUARDIANSHIP.

IF A LOCAL DEPARTMENT IS A CHILD'S GUARDIAN UNDER THIS SUBTITLE, A JUVENILE COURT:

(1) RETAINS JURISDICTION UNTIL:

(I) THE CHILD ATTAINS 18 YEARS OF AGE; OR

(II) THE JUVENILE COURT FINDS THE CHILD TO BE ELIGIBLE FOR EMANCIPATION; AND

(2) MAY CONTINUE JURISDICTION UNTIL THE CHILD ATTAINS 21 YEARS OF AGE.

(B) INDIVIDUAL GUARDIAN.