CARD A · ONE OF THREE

The Permanency Hearing

Timeline, plan hierarchy, required findings, and the questions that build the record

OPEN THIS AT a permanency planning or review hearing – what must be found, what to ask, and when the clock runs out.

STATUS

Prepared by Judicial Education for 2026 and reviewed and approved by course coordinator, in January 2026. Presented for final confirmation before printing. Please verify that the citations, timelines, and rule numbers reflect current Maryland law at the time of the course.

Purpose – CJP § 3-802(a)(7): a timely, permanent placement consistent with the child's best interests; § 3-802(b): the subtitle is construed liberally to effectuate that purpose. Card B carries the Maryland kin, agency-process, and older-youth authority beyond § 3-823.

I Permanency Timeline and Key Hearings

Pre-permanency stages (verify against current Maryland law): emergency shelter care on removal, CJP § 3-815; shelter care hearing the next court day, Md. Rule 11-112(a); continued shelter care up to 30 days, § 3-815(c); adjudication within 30 days (shelter) or 60 (no shelter), § 3-817; disposition same day or within 30 days, § 3-819.

Event	Timeline	Authority
Permanency planning hearing	No later than 11 months after out-of-home placement	CJP § 3-823(b)(1)(i)
Review hearings	At least every 6 months	CJP § 3-823(h)
Permanency goal	Every reasonable effort within 24 months	CJP § 3-823(h)(5)
TPR petition filing	Child in placement 15 of the most recent 22 months	FL § 5-525.1(b)
TPR ruling	Within 180 days of petition filing	Md. Rule 11-501

II Permanency Plan Hierarchy

CJP § 3-823(e)(1) – in descending order of priority

1. Reunification with the parent or guardian
2. Placement with a relative for adoption, or for custody and guardianship
3. Adoption by a non-relative
4. Custody and guardianship by a non-relative
5. Another planned permanent living arrangement (APPLA) – youth 16 and older only

NOTE

The court has no preference between adoption and guardianship for relatives, CJP § 3-823(e)(2). The local department must prefer adoption, then guardianship, then care and custody, FL § 5-525(f)(2)(ii).

Best interests factors · FL § 5-525(f)(1)

(i) The child's ability to be safe and healthy in the home of a parent

(ii) The child's attachment and emotional ties to the natural parents and siblings

(iii) The child's emotional attachment to the current caregiver and the caregiver's family

(iv) The length of time the child has resided with the current caregiver

(v) The potential emotional, developmental, and educational harm of a move

(vi) The potential harm of remaining in State custody for an excessive period

III Findings on the Record – *required at permanency planning and review hearings · CJP § 3-823(h)*

Finding	Authority
☐ Whether continued commitment remains necessary and appropriate	§ 3-823(h)(2)(i)
☐ Whether reasonable efforts have been made to finalize the plan in effect	§ 3-823(h)(2)(ii)
☐ If reunification is the plan: the services provided and the progress made	FL § 5-525(c)
☐ Whether to change the plan, if a change would be in the child's best interest	§ 3-823(h)(2)(vii)
☐ The projected date for return home, adoption, or guardianship	§ 3-823(h)(2)(v)
☐ That the child was consulted on the plan, age-appropriately, at least every 12 months	§ 3-823(j)(1)
☐ For APPLA: the compelling reason the child is continued in that placement	§ 3-823(f)
☐ For APPLA: the placement follows the reasonable and prudent parent standard	§ 3-823(h)(3)(i)
☐ For APPLA: regular, ongoing opportunities for age-appropriate activities	§ 3-823(h)(3)(ii)
☐ For APPLA: the child was consulted about those opportunities	§ 3-823(h)(3)(iii)

ICWA: *if the Act applies, termination requires proof beyond a reasonable doubt with qualified expert testimony – 25 U.S.C. § 1912(f).*

IV Reasonable Efforts – *questions that build the record · CJP § 3-823(h)(2)(ii)*

When the plan is reunification – ask the local department

- What specific services have been offered to address the conditions that led to removal?
- Has the parent engaged with those services, and what is the evidence of participation?
- What progress has the parent made toward completing the service agreement?
- What barriers to reunification remain, and what is the department doing about them?
- Is there a concurrent plan, and what efforts are being made toward it at the same time?

Concurrent planning

- What is the alternative permanency plan if reunification is unsuccessful?
- What family finding efforts have been made to identify permanent resources?
- Has the current placement been assessed as a potential permanent resource?
- What concrete steps have been taken toward both plans?

When finalizing a non-reunification plan

- What is the compelling reason reunification is no longer in the child's best interest?
- Has a TPR petition been filed? If not, why not, and when will it be filed?
- What efforts have been made to finalize adoption or guardianship with the current placement?
- Is the prospective family committed, and what supports do they need?

> **Judicial tool** – a finding of reasonable efforts requires evidence, not the department's assertion; build the record and hold the agency accountable. Kin questions are on Card B.