

Favorable- SB708

Family Law- Kinship Care

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Tuesday, February 21, 2024

Senate Judicial Proceedings Committee

Chair Smith, Vice-Chair Waldstreicher and Members of the Committee:

I am a resident of Prince George’s County, Maryland and the Executive Director of the Sayra and Neil Meyerhoff Center for Families, Children and the Courts (CFCC) at the University of Baltimore School of Law. CFCC envisions communities where children and families thrive without unnecessary legal system involvement. We strive to engage communities in all that we do as we work towards transforming systems that create barriers to family well-being. **We urge you to support SB708.**

At CFCC, we believe in the restorative power of family relationships. We’re convinced that, when properly supported, kin can empower children placed in their care with the connections children need to transform their families’ stories and help their communities flourish. “Research and observations indicate that children placed with kin tend to have better academic, behavioral, and mental health outcomes—as well as an increased sense of family connectedness and belonging—compared to children who are placed in traditional [foster care].”¹ Some research shows that placing children with kin helps them reunify more quickly and exit the foster care system more expeditiously.² Aunts, uncles, older sisters, godparents, and grandparents can help children restore their relationships with their parents and become trailblazers for their families.

Despite the well-researched benefit that kinship care provides for children and youth, less than half of the children in Maryland Department of Human Services (DHS) custody are in kinship care.³ While CFCC is working to reduce the total number of children in DHS custody, we also support efforts to shift the number of children in stranger foster care to kinship care. SB708 is aligned with recommendations proposed by experts to accomplish this goal.⁴ Notably, if passed the bill will clarify the types of efforts that local departments will have to make to identify

¹ Tyreasa Washington & Brittany P. Mihalec-Adkins, *Kinship Care Supports the Academic Performance of Children*, *Child Welfare*, CHILD TRENDS, (Sep. 27 2023) available at <https://www.childtrends.org/publications/kinship-care-supports-the-academic-performance-of-children> (citing, Tyreasa Washington, et. Al, *Psychosocial factors and behavioral health outcomes among children in Foster and Kinship care: A systematic review*, (2018) 90 CHILDREN AND YOUTH SERVICES REVIEW 118, available at <https://www.sciencedirect.com/science/article/abs/pii/S0190740917307430>, Winokur M, Holtan A, Valentine D. *Kinship care for the safety, permanency, and well-being of children removed from the home for maltreatment*. COCHRANE DATABASE SYST REV. (Jan 2009) Update in: Cochrane Database Syst Rev. 2014, available at <https://pubmed.ncbi.nlm.nih.gov/19160287/>, Hassall, A., et al. *Does Kinship vs. Foster Care Better Promote Connectedness? A Systematic Review and Meta-Analysis*. CLIN CHILD FAM PSYCHOL REV **24**, 813–832 (2021). Available at <https://link.springer.com/article/10.1007/s10567-021-00352-6>

² Sakai C, Lin H, Flores G. *Health Outcomes and Family Services in Kinship Care: Analysis of a National Sample of Children in the Child Welfare System*. (2011), 165 ARCH PEDIATR ADOLESC MED.2 159–165 available at <https://jamanetwork.com/journals/jamapediatrics/fullarticle/384260>.

³ Child Trends, *State-level Data Trends for Understanding Child Welfare in the United States: Companion Guide* (2022), available at https://www.childtrends.org/wp-content/uploads/2022/02/ChildWelfareDataCompanionGuide_ChildTrends_March2022.pdf.

⁴ Joshua Gupta-Kagan, *Creating a Strong Legal Preference for Kinship Care*, 1(4) FAM. INTEGRITY & JUST. Q. 18 (2022). Available at: https://scholarship.law.columbia.edu/faculty_scholarship/3903.

potential kinship caregivers for the initial placement. We recommend that proactive, thorough, and timely efforts to identify a kinship caregiver be required for subsequent placements as well.

We applaud the way that SB708 combines a kin-first orientation with a child-centered approach to child placement decisions. SB708 requires an analysis of the child's best interest while also ensuring that kin are the prioritized placement for children who must be separated from their families of origin due to safety concerns. We also support the consideration that the bill affords to kinship caregivers who are named by the child's parents, as this is aligned with the respect due to parent's constitutional rights to direct the care, custody, and control of their children.

Historically, kinship caregivers have experienced discrimination when they have sought approval to care for their child relatives. If passed SB708, will eliminate possible discrimination points by simplifying and standardizing the requirements for approval. The bill will also advance equity and the social and cultural wellbeing of children by codifying the factors that local departments must consider when placing children in stranger foster care at the initial placement. We recommend that this requirement apply in subsequent placements as well.

Passing SB708 will make Maryland a premiere "kin first" state with provisions that advances the best interests of children while also respecting parental rights. For the above-mentioned reasons, **CFCC urges you to support SB708.**