

February 20, 2024

The Honorable Will Smith, Chair
Judicial Proceedings Committee
Miller Senate Office Building, 2 East
Annapolis, Maryland 21401

RE: TESTIMONY ON SB 708 - Family Law - Kinship Care - POSITION: FAVORABLE WITH AMENDMENTS

Dear Chair Smith and Members of the Judicial Proceedings Committee:

The Maryland Department of Human Services (DHS) thanks the Committee for the consideration of Senate Bill 708 (SB 708). With offices in every one of Maryland's jurisdictions, we empower Marylanders to reach their full potential by providing preventative and supportive services, economic assistance, and meaningful connections to workforce development and career opportunities. The Social Service Administration within DHS implements the Out of Home Care program which is affected by SB 708.

SB 708 would support and advance our "Kin First" approach to out-of-home care by prioritizing important adult-child bonds, including those found by blood or marriage, when considering the best interests of children who require an out-of-home placement. SB 708 would clarify the definition of kinship caregiver by including relations through blood, marriage, tribal law or custom, or cultural custom or practice. It would also provide a preference for kinship caregiver placements which evidence demonstrates result in better outcomes for children. The changes would establish the evidence-based framework for our "kin first" approach to foster care.

SB 708 is an example of implementing the Moore-Miller value of being data-driven and heart-led. Research demonstrates that out-of-home kinship care minimizes trauma; increases the likelihood children remain with siblings; increases permanency by providing stability with fewer placement disruptions; improves children's behavioral and mental health outcomes; reduces the risk that children in out-of-home care are trafficked; and maintains family, community, and cultural ties that function as protective factors for children. Research is also demonstrating what we know intuitively: the whole psychosocial environment matters to a child's psychological health. The psychosocial environment includes the entire context in which a child grows up, including parents, caregivers, teachers, their school, whether they practice a religion, and their community and culture.

Maryland has the second lowest entry rate into foster care in the nation. In contrast, we have not been as successful in achieving permanency when children require out-of-home placements, with only 26% achieving permanent placement in the first 12 months. Historically, Maryland and federal regulations required kinship caregivers to meet the same criteria as foster families to care for the children they love. Recognizing the benefits of kinship placements to children, the Children's Bureau within the U.S. Department of Health & Human Services issued new rules



authorizing separate licensing for kinship caregivers and encouraged state agencies to define kinship in a way that is inclusive of tribal custom and fictive kin.

As of January 2024, only 23% of children in foster care in Maryland were placed with a kinship caregiver. In Maryland, teens are 40% less likely to reunify with family than teens nationwide. In Fiscal Year 2021 of all children exiting care, 64% of older youth aged out of Maryland foster care. Compared to national data, Maryland has twice as many youth aging out of foster care. Our data is increasingly revealing that Maryland is strategically missing out on the opportunities kinship care provides, ensuring children maintain critical, permanent connections to family and community when youth require out-of-home placements.

Upon additional review of SB 708, we identified differing terms in other existing statutory provisions which are likely to cause confusion. Specifically, the definition of "relative" in Court and Judicial Proceedings Article §3-801, and as applied in § 3-823 (e) and (g) may be read in conflict with the definition of "kinship caregiver" in SB 708. "Relative" for the purposes of placement in Court and Judicial Proceedings Article §3-801(x) must be amended to conform with the Family Law amendments in SB 708. Therefore, we recommend adding to SB 708 the following changes to Court and Judicial Proceedings Articles 3-801(x):

(x) "Relative" means ~~an individual who is:~~ **IS A KINSHIP CAREGIVER AS DEFINED IN FAMILY LAW § 5-534**

~~(1) Related to the child by blood or marriage within five degrees of consanguinity or affinity under the civil law; and~~

~~(2) (i) At least 21 years old; or~~

~~(ii) 1. At least 18 years old; and~~

~~2. Lives with a spouse who is at least 21 years old.~~

SB 708 is part of our plan to update our current practices to promote kinship placements which in turn promotes lifelong well-being and connection for children and youth in foster care. A kin-first approach to out-of-home placements reduces delays in placement as well as frequent and disruptive placement changes. Importantly, it also prevents severing children's connections to family, community, and culture. Passing SB 708 is one of several steps Maryland is taking to remove barriers for kinship caregivers to receive the benefits that non-relative foster parents currently receive.

Research demonstrates, and DHS believes, a 'kin first' approach is right for children in out-of-home placements in Maryland. We respectfully request a favorable report from the Committee. If you require additional information, please contact Rachel Sledge, Director of Government Affairs, at rachel.sledge@maryland.gov.

In service,



Rafael López
Secretary