



Empowering People to Lead Systemic Change

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DisabilityRightsMD.org

HOUSE APPROPRIATIONS COMMITTEE

HOUSE BILL 768: Department of Human Services—Benefits for Children in Custody— Alterations

March 10, 2026

POSITION: SUPPORT

Disability Rights Maryland (DRM), a non-profit legal advocacy organization, is the federally-mandated Protection and Advocacy agency for the State of Maryland, charged with defending and advancing the rights of individuals with disabilities. For more than 40 years, DRM has represented Maryland children, youth, and adults with disabilities, including, for approximately 15 years, children with disabilities in Child in Need of Assistance (CINA) proceedings in juvenile courts throughout the state. DRM continues to represent foster children in individual education cases and systemic litigation and provides support to CINA attorneys who seek DRM's expertise in complex disability-related matters. We are pleased to support House Bill 768, which will ensure that foster children who receive federal benefits such as Supplemental Security Income (SSI), will no longer have to give up a portion of their benefits to offset the cost of their care.

In 2018, Maryland became the first state in the country to take steps to protect federal benefits that belong to eligible children in foster care, requiring that benefits be conserved for the future or used to pay for unmet needs the local department of social services was not required to pay for. However, the 2018 law did not fully prohibit the practice of using a child's benefits to offset the cost of their care; the law required the Department of Human Services to save a certain percentage of the funds belonging to foster youth aged 14 and older. In the time since the law was enacted, other states have surpassed Maryland by prohibiting the use of benefits to offset costs of care and by implementing other protections.

House Bill 768 will move Maryland to the forefront again by prohibiting use of federal benefits—benefits that belong to the child—to pay for their foster care and by requiring the local department of social services to frequently try to find an individual who can serve as the child's representative payee so the department does not serve in that role. These protections are especially important for children with disabilities, many of whom will have a lifelong need for care, equipment, or supports and services funded in part or in whole by their benefits. Prohibiting the Department of Human Services from taking any benefits and instead allowing the complete benefits payment to be used for otherwise unmet needs while children are in foster care, and/or to conserve benefits through an ABLE account or a special needs trust is

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consistent with the duty of the Department of Human Services to appropriately care for and protect the children in its care. Children, particularly those with disabilities, do not choose to enter the foster care system, and they should not be required to pay for any part of the care provided to them by their local department of social services. House Bill 768 rights a longstanding wrong, and for these reasons, DRM strongly supports the bill and urges a favorable report.

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