



DEPARTMENT OF HUMAN SERVICES

Wes Moore, Governor · Aruna Miller, Lt. Governor · Rafael López, Secretary

February 18, 2026

The Honorable Brian J. Feldman, Chair  
Senate Education, Energy, and the Environment Committee  
2 West Miller Senate Office Building  
Annapolis, Maryland 21401

**RE: TESTIMONY ON SB0359 - CHILD CARE FACILITIES - CRIMINAL HISTORY RECORDS CHECK - REQUIREMENT - POSITION: FAVORABLE WITH AMENDMENTS**

Dear Chair Feldman and Members of the Education, Energy, and Environment Committee:

The Maryland Department of Human Services (DHS) thanks the Committee for its consideration and respectfully requests a favorable report with amendments for Senate Bill (SB) 359.

With offices in every one of Maryland's jurisdictions, DHS provides preventative and supportive services, economic assistance, and meaningful connections to employment development and career opportunities to assist Marylanders in reaching their full potential. Our Social Services Administration implements the Out-of-Home Care program which is affected by SB 359. The bill mandates that the Maryland State Department of Education (MSDE) establish a centralized unit to process and manage criminal history records checks for applicants seeking positions with direct contact with children in child care facilities. We are supportive of all efforts to ensure that adults who supervise children are vetted properly, but we believe that some of the facilities licensed by DHS were included erroneously. In partnership with MSDE, we are offering amendments to strike references to DHS-licensed facilities.

As drafted, SB 359 defines a child care facility as a "child care facility as licensed under [§5-551 of the Family Law Article](#)," which is inclusive of various types of placements licensed by DHS. We currently process our own background checks for out of home care, kinship care, and residential child care institutions in accordance with Family Law §5-551, COMAR regulations (e.g., 07.02.25, 14.31.06), and federal requirements. If we were

to lose direct control over background checks, it would violate the statutory authority for us to vet our own licensees. This creates a conflict with FBI Criminal Justice Information Services (CJIS) security policies regarding the dissemination of Criminal History Record Information (CHRI), which generally restrict the sharing of unredacted federal criminal records between agencies. If MSDE receives the background check results, federal policy may prohibit them from sharing that data with DHS, effectively blinding DHS to the criminal history of its own resource parents and child care providers. This directly jeopardizes the State's Title IV-E plan, as the Social Security Act requires the state child welfare agency (DHS) to certify safety compliances to receive federal reimbursement for out of home care maintenance payments. If DHS cannot directly access and review these fingerprint results, the Department may lose significant federal Title IV-E funding. After discussion with MSDE, we believe the inclusion of DHS-licensed facilities may have been a drafting error.

DHS supports this bill with amendments to strike DHS-licensed child care facilities. If the bill retains DHS-licensed facilities, it would negatively impact youth in DHS care and custody and DHS' ability to meet their unique needs, potentially delaying placement and contributing to prolonged stays in temporary emergency or congregate care settings. DHS prioritizes safety of children in care and supports the removal of bureaucratic hurdles that slow down the hiring of child care workers. DHS appreciates ongoing collaboration with MSDE and with legislative partners in order to make the bill workable for DHS-licensed providers to best serve the children in our care.

We appreciate the opportunity to offer favorable testimony with amendments to the Committee for consideration during your deliberations. If you require additional information, please contact Justin Hayes, Acting Director of Government Affairs, at [justin.hayes1@maryland.gov](mailto:justin.hayes1@maryland.gov).

In service,

A handwritten signature in black ink, appearing to read 'Rafael López', written in a cursive style.

Rafael López  
Secretary

**Proposed DHS Amendments to SB 359:**

**Amendment 1:**

P.2, lines 27-28, alter the definition of a child care facility to read as: **“A CHILD CARE CENTER, FAMILY CHILD CARE HOME, OR LARGE FAMILY CHILD CARE HOME THAT IS LICENSED, REGISTERED, OR HOLDS A LETTER OF COMPLIANCE UNDER THIS SUBTITLE”**.