



**DEPARTMENT OF HUMAN SERVICES**

*Wes Moore, Governor · Aruna Miller, Lt. Governor · Gloria Brown Burnett, Interim Secretary*

February 26, 2026

The Honorable Sandy Bartlett, Chair  
House Judiciary Committee  
100 Lowe House Office Building  
Annapolis, Maryland 21401

**RE: TESTIMONY ON HB0980 - FAMILY LAW AND STATE GOVERNMENT - CHILD PROTECTION AND THE OFFICE OF THE CHILD WELFARE OMBUDSMAN (KANAIYAH'S LAW) - POSITION: FAVORABLE WITH AMENDMENTS**

Dear Chair Bartlett and Members of the Judiciary Committee:

The Maryland Department of Human Services (DHS) thanks the Committee for its consideration and respectfully requests a favorable with amendments report for House Bill 980 (HB 980).

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 (SSA) implements the Out-of-Home Placement (OOH), Prevention and Child Safety (PCS), and Well-Being and Clinical Services (WCS) programs, which are affected by HB 980. HB 980 is split into three distinct sections: codifying current policy related to unlicensed settings, addressing post-guardianship criminal history checks, and establishing an additional ombudsman for foster youth.

Under the Moore-Miller Administration, DHS has worked tirelessly to move toward the complete elimination of stays in unlicensed settings for youth in our care. Since the first legislative session of this administration, we proposed provider rate reform for children who require intensive services in a more restrictive setting. In 2025, DHS proposed [Senate Bill 191 \(2025\)](#), which would have prohibited a child in need of assistance from being placed in an unlicensed setting except under certain limited circumstances. DHS continues to progress, including a [directive](#) sent on October 22, 2025 by former Secretary Rafael López to all 24 local departments of social services instructing them to "immediately stop facilitating stays in unlicensed settings for

youth experiencing out-of-home care.” In September 2025, DHS began using a family finding software to improve our family finding and preservation services. Since that time, caseworkers increased the number of least restrictive, family-like placements by identifying over 4,300 potential kin connections – an average of 26 per child. More connections means more placement options to meet a child’s needs.

We support the sponsor’s intent to codify the work of this administration by ensuring that unlicensed settings are prohibited by law. DHS offers one technical amendment to this portion of HB 980, as the definition of unlicensed settings in the bill could be construed to include semi-independent living arrangements (SILA). Our amendment clarifies that SILAs are an exception to the unlicensed setting prohibition, allowing youth to continue living on college campuses and in their own homes and apartments.

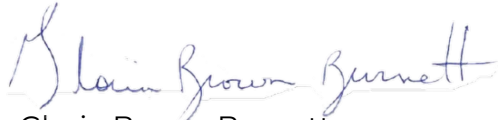
DHS understands the legislature may want to tie Guardianship Assistance payments to ongoing criminal history checks of adults living in the home. DHS legal authority does not currently exist for subjecting legal guardians to additional eligibility requirements, including increased oversight of their right to direct the care of their child. Once guardianship is granted by a juvenile court, that child is outside of the care and custody of DHS. Furthermore, there is an abundance of case law to reinforce the concept that legal guardians are protected from intrusions of privacy to the same degree as biological parents. Where the Department has some authority over the eligibility requirements for guardians relates to their participation in the Guardianship Assistance Program (GAP). Today, GAP is governed solely through [COMAR 07.02.29 - Guardianship Assistance Program](#) and has no reference in Maryland statute. To achieve the goal of HB 980 without creating inadvertent challenges in other areas of law, DHS suggests amending the bill to remove references to [Courts and Judicial Proceedings § 3-819.2](#), [Family Law § 5-324](#), [Family Law § 5-326](#), [Family Law § 5-328](#), and [Family Law § 5-551](#). Alternatively, we propose creating a new section to codify the GAP program under Family Law § 5-530.1.

Under the GAP program, a guardian receives financial support on behalf of the child in their care and custody until the child turns 21 years old. Continued GAP payments are contingent upon annual recertification by the Department. The amendments DHS proposes to HB 980 require that, as a condition of recertification for GAP, all new adult household members and household members who turned 18 be subject to a background check. This accomplishes the original goals of HB 980, as drafted, but affords more respect for the constitutional rights of legal guardians to the degree extended to biological parents.

DHS appreciates the sponsor's intent to provide new oversight and accountability for children in care with the creation of the Office of the Child Welfare Ombudsman. In light of the fiscal condition of the state, we appreciate the sponsor's continued collaboration to find a solution that balances fiscal resources with responsible oversight. Given the significant uncertainty in federal policy and the escalating fiscal shortfalls forecasted through Fiscal Year 2028, the Department urges caution against legislation that increases expenditures or diverts revenue without sustainable funding offsets. In light of the current fiscal crisis, the State must remain disciplined and strategic in its funding decisions to protect essential services for all Marylanders.

We thank Delegate Griffith for working with DHS to further the goals of the Moore-Miller Administration and ensuring that youth in the care and custody of the state are protected and supported. We appreciate the opportunity to offer favorable with amendments testimony 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 blue ink that reads "Gloria Brown Burnett". The signature is written in a cursive style with a large initial "G".

Gloria Brown Burnett  
Interim Secretary

## **Proposed Amendments**

### **Amendment No. 1**

On page three, lines 15 - 27, repeal all proposed changes to Courts and Judicial Proceedings § 3-819.2.

### **Amendment No. 2**

On page three, lines 27 - 32, page four, lines 1 - 31, and page five, lines 1 - 8, repeal all proposed changes to Family Law § 5-324.

### **Amendment No. 3**

On page five, lines 9 - 14, repeal all proposed changes to Family Law § 5-326.

### **Amendment No. 4**

On page five, lines 15 - 30, and page six, lines 1 - 2, repeal all proposed changes to Family Law § 5-328.1.

### **Amendment No. 5**

On page six, between lines 14 and 15, insert a new line which states:

**(3) "Semi-independent living arrangement" means a subsidized living arrangement for youth receiving youth transitional services in an apartment, boarder arrangement, college dorm or other living arrangement approved by the local department, except that a local department may not approve an arrangement for housing in a transient or emergency-type facility, such as a rescue mission, nonresidential hotel, motel, adult shelter, or tourist home;**

Renumber beginning with: "~~(3)~~ **(4)** "Unlicensed Setting" means" on the line below.

#### **Amendment No. 6**

On page six, line 25, before "or", insert: "**(ii) a "semi-independent living arrangement"**" and renumber beginning with: "~~(ii)~~ **(iii)** the placement of a child with:" on the line below.

#### **Amendment No. 7**

On page seven, after line 31, insert new section that reads:

#### **Family Law § 5-530.1**

**(a) The Secretary of Human Services shall establish and maintain a Guardianship Assistance Program to promote the placement and maintenance of children in permanent guardianship homes.**

**(b) A guardian for a child may be eligible for monetary and medical assistance if:**

**(1) The guardian was appointed under § 5-326 of this subtitle or § 3-819.2 of the Courts Article of a minor child;**

**(2) The child was placed in foster care, as defined in Family Law § 5-501(c), in the guardian's family home at least six consecutive months prior to the appointment of the guardian; and**

**(3) The guardian entered into a written voluntary guardianship assistance agreement with a local department of social services prior to the appointment of the guardian.**

**(c) The guardianship assistance may continue after the child reaches the age of 18 years if the individual is attending school, employed on at least a**

**part-time basis, participating in a program designed to promote employment opportunities, or is incapable of working due to a disability.**

**(d) The guardianship assistance shall terminate no later than the day of the child's 21st birthday.**

**(e) The local department may terminate the guardianship assistance if it determines, following an annual review, that an adult lives in the guardian's home and is under the supervision of a criminal court following a conviction for a crime of violence of a child victim or required to register with a supervisory authority under § 11-704 of the Criminal Procedure Article.**

**(f) The Secretary of Human Services shall adopt regulations and policies consistent with this statute.**

#### **Amendment No. 8**

On page seven, line 32, page eight, lines 1 - 31, page nine, lines 1 - 33, and page ten lines 1 - 11, repeal all proposed changes to Family Law § 5-551.

#### **Amendment No. 9**

On page twenty one, line 9, strike "6" and insert "7". Lines 8 - 9 on page twenty one will now read:

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2026<sup>7</sup>