

HOUSE JUDICIARY COMMITTEE

**HOUSE BILL 980: Family Law and State Government—Child Protection and the Office of the
Child Welfare Ombudsman (Kanaiyah’s Law)**

February 26, 2026

POSITION: SUPPORT WITH AMENDMENT

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 support House Bill 980 with an amendment to broaden the definition of “unlicensed setting.”

House Bill 980 would, if enacted, provide more protection to children and youth for whom the Department of Human Services (DHS) has responsibility. The bill prohibits DHS from placing a child in an unlicensed setting, which includes a hotel, motel or short-term rental, a shelter, and an office building or other nonresidential environment. Notably, the definition does not include hospitals, which, although licensed as hospitals, are not licensed as foster homes or child placements. DRM is concerned that by not including hospitals and emergency departments in the definition of unlicensed settings, the bill implies, as DHS has argued, that hospitals are less harmful than other settings such as hotels for children and youth in overstay status because the children in overstay get meals and have a roof over their heads.

As co-counsel in the *T.G.* hospital overstay lawsuit, brought against DHS and the Maryland Department of Health, and as a member of the Unlicensed Settings and Pediatric Overstay workgroup instituted in response to legislation enacted by the Maryland General Assembly in 2025, we know that hospital overstays cause significant harm to children and youth; while in overstay status, they receive no education other than, for some children, a few hours a week of tutoring, and they do not have access to fresh air, to their friends and relatives, or to therapeutic services they may need. DRM is aware of a child who has been boarding in a hospital emergency department since early August, 2025. The child has spent more than six months in a small emergency department room amid the noise and chaos of an emergency

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department without school, which has impacted their ability to obtain credits towards a high school diploma. In our court filing, we discussed children whose mental health has declined while in overstay, children who sleep a lot because there is little else to do, and children who lose hope because they remain in the hospital while others leave. Hospitals should not be exempted from the definition of “unlicensed setting” in the context of foster care placements.

DRM strongly believes that the definition of “unlicensed setting” should include hospitals and emergency departments when a child or youth is in overstay status. Specifically, we suggest the following amendment:

Page 6, (3)(II) Add **4. A HOSPITAL, INCLUDING AN EMERGENCY DEPARTMENT, WHEN BOARDING A CHILD OR YOUTH WHO HAS NOT BEEN ADMITTED OR HAS BEEN FOUND CLINICALLY READY FOR DISCHARGE.**

DRM welcomes House Bill 980’s creation of the Office of the Child Welfare Ombudsman with appointment of the Ombudsman by the Attorney General. The office, as described in the bill, has authority to protect children and youth in a robust and meaningful way by conducting investigations, recommending legislation, issuing subpoenas, and making unannounced site visits, among other duties. The bill also prohibits retaliation against any individual who makes a complaint to the Ombudsman’s office or who provides information to or interferes with an advocate. If enacted, this bill would make a truly life-changing difference for children who have languished in Maryland’s foster care system and would help to remedy the longstanding systemic problems that have plagued the system.

For these reasons, DRM strongly supports House Bill 980 with the suggested amendment and urges a favorable report.

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