

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 944
Judiciary

(Delegate Toles)

Family Law - Children in Need of Assistance and Termination of Parental Rights

This bill repeals provisions that (1) in regard to a child in need of assistance (CINA) proceeding, authorize a local department of social services to ask the juvenile court to find that reasonable efforts to reunify a child with the child’s parent or guardian are not required if the local department concludes that a parent or guardian has involuntarily lost parental rights to a sibling of the child and (2) require a court, when determining whether to involuntarily terminate parental rights, to consider whether the parent has involuntarily lost parental rights to a sibling of the child.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State operations or finances.

Local Effect: The bill is not anticipated to materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Current Law:

Child in Need of Assistance Petitions – Waiver of Reunification Efforts

A CINA is a child who requires court intervention because (1) the child has been abused or neglected, has a developmental disability, or has a mental disorder and (2) the child’s

parents, guardian, or custodian is unable or unwilling to give proper care and attention to the child and the child's needs.

In a CINA petition, a local department may ask the court to find that reasonable efforts to reunify a child with the child's parent or guardian are not required if the local department concludes that a parent or guardian has (1) subjected the child to specified aggravated circumstances; (2) been convicted, in any state or any court of the United States of a crime of violence against a minor offspring of the parent or guardian, the child, or another parent or guardian of the child, or of aiding or abetting, conspiring, or soliciting to commit a crime of violence under these circumstances; or (3) involuntarily lost parental rights of a sibling of the child.

If the local department determines after the initial petition is filed that any of the circumstances specified above exists, the local department may immediately request the court to find that reasonable efforts to reunify the child with the child's parent or guardian are not required.

If the court finds by clear and convincing evidence that any of the circumstances specified above exists, the court must waive the requirement that reasonable efforts be made to reunify the child with the child's parent or guardian. If the court finds that reasonable efforts are not required, the local department must (1) request a permanency planning hearing be held within 30 days of the court's finding, as specified in statute, and (2) make reasonable efforts to place the child in a timely manner in accordance with the permanency plan and complete the steps necessary to finalize the permanent placement of the child.

If a parent consents to the guardianship or adoption in accordance with Family Law Article §§ 5-320 or 5-338, as specified, loss of parental rights must be considered voluntary.

Nonconsensual Guardianship Petitions

If, after the consideration of specified factors (as generally required in Family Law Article § 5-323, subject to limited exception), a juvenile court finds by clear and convincing evidence that a parent is unfit to remain in a parental relationship with the child or that exceptional circumstances exist that would make a continuation of the parental relationship detrimental to the best interests of the child such that terminating the rights of the parent is in the child's best interests, the juvenile court may grant guardianship of the child without consent otherwise required under applicable statute and over the child's objection.

In ruling on a petition for guardianship of a child, a juvenile court must give primary consideration to the health and safety of the child and consideration to all other factors

needed to determine whether the termination of a parental rights is in the child's best interests. Among other things, such factors include consideration of:

- all services offered to the parent before the child's placement and the extent to which a local department of social services and parent have fulfilled their obligations under any social services agreement;
- the results of the parent's effort to adjust the parent's circumstances, condition, or conduct to make it in the child's best interests for the child to be returned to the parent's home, as specified;
- any abuse or neglect of the child or a minor, including any exposure of the child to drugs during the mother's pregnancy;
- whether the parent has involuntarily lost parental rights to a sibling of the child; and
- the child's emotional ties with and feelings toward the child's parents and siblings, the likely impact of terminating parental rights on the child's well-being, and the child's adjustment to community, home, placement, and school.

A juvenile court need not consider any factor discussed above in determining a child's best interests if, after a thorough investigation by a local department, the juvenile court finds that (1) the identities of the child's parents are unknown and (2) during the 60 days immediately after the child's adjudication as a CINA, no one has claimed to be the child's parent.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Human Services; Department of Legislative Services

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Analysis by: Amanda L. Douglas

Direct Inquiries to:
(410) 946-5510
(301) 970-5510