

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 649
Judiciary

(Delegate Szeliga, *et al.*)

Family Law - Children in Foster Care - Background Information

This bill requires, before a foster parent may consent to the placement of a child with a foster parent, a child placement agency to provide a report of the child’s background to the foster parent. The report must indicate whether the child has (1) had any interaction with a law enforcement agency, as defined in § 5-701 of the Family Law Article, including any arrests; (2) been charged with or found guilty of a crime; (3) been a member of or associated with a criminal gang; or (4) been suspended or expelled from school.

Fiscal Summary

State Effect: General fund expenditures for the Department of Human Services (DHS) increase by \$297,000 for a one-time programming cost in FY 2026 and by minimal amounts annually thereafter for ongoing system maintenance costs. General fund expenditures may further increase, potentially significantly, for additional staff at DHS, as discussed below. Revenues are not affected.

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

Small Business Effect: Minimal.

Analysis

Current Law: DHS is required to establish a program of out-of-home placement for minor children (1) who are placed in the custody of a local department, for a period of up to 180 days, by a parent or legal guardian under a voluntary placement agreement; (2) who are abused, abandoned, neglected, or dependent, if a juvenile court has determined that

continued residence in the child's home is contrary to the child's welfare and has committed the child to the custody or guardianship of a local department; or (3) who, with the approval of DHS, are placed in an out-of-home placement by a local department under a voluntary placement agreement regarding a child with a developmental disability or a mental illness, as specified. An out-of-home placement may include family foster care, group and residential care, kinship care, and treatment foster care.

"Foster care" means continuous 24-hour care and supportive services provided for a minor child placed by a child placement agency in an approved family home.

"Law enforcement agency" means a State, county, or municipal police department, bureau, or agency and includes a sheriff's office, a State's Attorney's office, and the Attorney General's office.

Foster parents in the State are afforded numerous rights, including, prior to a local department placing a child in a home, and upon learning new information, for the case worker to provide the foster parent with all known information about the child in care in regard to the child's medical, mental health, behavioral, educational, social, and emotional background, including the reason the child in care came into care and any change in the case plan. Information about the child's family that may be privileged or confidential may not be disclosed (COMAR 07.02.25.12).

State Expenditures: General fund expenditures for DHS increase beginning in fiscal 2026 to account for programming-related costs and the potential need for additional staff.

The bill may require extensive research into the background of some children in foster care; DHS advises the specific background information required by the bill is not always readily available. Further, there is no existing technical infrastructure to facilitate sharing the required information between local departments of social services, law enforcement agencies, state's attorney's offices, and judicial computer systems, and because foster children are minors, the information is not publicly accessible.

Therefore, DHS estimates the need for *at least* 24 family services caseworkers statewide, with associated costs of approximately \$1.6 million in fiscal 2026, which accounts for the bill's October 1, 2025 effective date, and \$2.0 million on an annual basis. In addition, DHS incurs a one-time programming cost of \$297,000 in fiscal 2026 only (with \$56,544 in annual maintenance costs).

The Department of Legislative Services (DLS) generally acknowledges that the legislation may result in increased efforts for caseworkers to conduct background investigations, and notes that jurisdictions with a higher concentration of older youth in foster care are likely

to be most affected, as the level of effort for each background check is greater. However, without experience under the bill and additional information regarding how DHS developed its estimate, DLS is unable to independently verify that additional staffing at the magnitude of that estimated by DHS is required. *For illustrative purposes only*, general fund expenditures associated with hiring one family services caseworker increase by \$67,157 in fiscal 2026 and increases to \$89,108 by fiscal 2030.

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); Maryland State Department of Education; Department of Human Services; Department of Legislative Services

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