

# HOUSE BILL 980

D4, O4, P1

6lr1090

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By: **Delegates Griffith, Acevero, Adams, Addison, Anderson, Arentz, Arikan, Baker, Beauchamp, Boyce, Buckel, Chisholm, Ciliberti, Coley, Ebersole, Edelson, Embry, Fair, Feldmark, Ghrist, Hartman, Hinebaugh, Hornberger, Hutchinson, Ivey, Jacobs, Kipke, R. Long, Mangione, McComas, Metzgar, Miller, Mireku–North, T. Morgan, Nkongolo, Palakovich Carr, Pasteur, Patterson, Pippy, Reilly, Roberson, Rogers, Rose, Ruff, Schmidt, Stinnett, Stonko, Tomlinson, Valentine, Vogel, White Holland, Wilkins, Wilson, and Wivell**

Introduced and read first time: February 6, 2026

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Family Law and State Government – Child Protection and the Office of the**  
3 **Child Welfare Ombudsman**  
4 **(Kanaiyah’s Law)**

5 FOR the purpose of requiring that a juvenile court include in an order granting  
6 guardianship of a child to a specific individual a requirement that the individual  
7 provide certain information to a local department of social services under certain  
8 circumstances; establishing procedures for the review of certain guardianships of  
9 certain children by the juvenile court under certain circumstances; prohibiting the  
10 Social Services Administration from allowing the placement of certain children in  
11 unlicensed settings; expanding the list of individuals who are required to obtain a  
12 certain criminal history records check to include adults living in the home of a child’s  
13 guardian; establishing the Office of the Child Welfare Ombudsman in the Office of  
14 the Attorney General; exempting from disclosure under the Maryland Public  
15 Information Act records related to certain complaints; prohibiting a person from  
16 certain willful interference and discriminatory and retaliatory acts relating to  
17 complaints filed with the Office; and generally relating to child protection and the  
18 Office of the Child Welfare Ombudsman.

19 BY repealing and reenacting, with amendments,  
20 Article – Courts and Judicial Proceedings  
21 Section 3–819.2(c)  
22 Annotated Code of Maryland  
23 (2020 Replacement Volume and 2025 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,  
2 Article – Family Law  
3 Section 5–324(b)(1), 5–326(a)(10)(ii), 5–525(a) and (c), and 5–551(b), (g), and (h)  
4 Annotated Code of Maryland  
5 (2019 Replacement Volume and 2025 Supplement)

6 BY adding to  
7 Article – Family Law  
8 Section 5–328.1 and 5–551(g)  
9 Annotated Code of Maryland  
10 (2019 Replacement Volume and 2025 Supplement)

11 BY repealing and reenacting, without amendments,  
12 Article – Family Law  
13 Section 5–525(b)(1)  
14 Annotated Code of Maryland  
15 (2019 Replacement Volume and 2025 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article – State Government  
18 Section 6–101  
19 Annotated Code of Maryland  
20 (2021 Replacement Volume and 2025 Supplement)

21 BY adding to  
22 Article – State Government  
23 Section 6–5A–01 through 6–5A–11 to be under the new subtitle “Subtitle 5A. Office  
24 of the Child Welfare Ombudsman”  
25 Annotated Code of Maryland  
26 (2021 Replacement Volume and 2025 Supplement)

27 Preamble

28 WHEREAS, Child abuse and neglect is a serious and reprehensible problem in  
29 society; and

30 WHEREAS, The protection of children from abuse and neglect by applying  
31 prevention measures and observing best practices in treating children who are abused and  
32 neglected must be one of Maryland’s highest public policy priorities; and

33 WHEREAS, The child welfare system must protect and serve Maryland’s children in  
34 a manner that keeps them safe and healthy and promotes their well-being; and

35 WHEREAS, The children and families served by the child welfare system, as well as  
36 the public, must have a high level of confidence that the system will act in a child’s best  
37 interests and will respond to the child’s needs in a timely and professional manner; and

1 WHEREAS, To engender this high level of confidence in the child welfare system, it  
2 is important that children and families who become involved in the system, mandatory  
3 reporters, and the general public have a well-publicized, easily accessible, and transparent  
4 complaint process for voicing concerns regarding the child welfare system along with the  
5 expectation that those concerns, once voiced, will be heard and addressed in a timely and  
6 appropriate manner; and

7 WHEREAS, To improve child welfare outcomes and to foster best practices, there  
8 must be effective accountability mechanisms, including the review and evaluation of  
9 concerns voiced by children and families, mandatory reporters, persons involved in the  
10 child welfare system, and members of the general public, that provide policymakers with  
11 the information necessary to formulate systemic changes, where appropriate; now,  
12 therefore,

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
14 That the Laws of Maryland read as follows:

15 **Article – Courts and Judicial Proceedings**

16 3–819.2.

17 (c) An order granting custody and guardianship to an individual under this  
18 section:

19 (1) Rescinds the child’s commitment to the local department;

20 (2) Achieves the child’s permanency plan;

21 (3) **[Terminates] EXCEPT AS PROVIDED IN § 5–551 OF THE FAMILY**  
22 **LAW ARTICLE WITH RESPECT TO CRIMINAL HISTORY RECORDS CHECKS OF ADULTS**  
23 **RESIDING IN THE HOME OF THE GUARDIAN, TERMINATES** the local department’s legal  
24 obligations and responsibilities to the child; and

25 (4) Terminates the child’s case, unless the court finds good cause not to  
26 terminate the child’s case.

27 **Article – Family Law**

28 5–324.

29 (b) (1) In a separate order accompanying an order granting guardianship of a  
30 child, a juvenile court:

31 (i) shall include a directive terminating the child’s CINA case;

32 (ii) consistent with the child’s best interests:

- 1                   1.     may place the child:
- 2                   A.     subject to paragraph (2) of this subsection, in a specific  
3 type of facility; or
- 4                   B.     with a specific individual;
- 5                   2.     may direct provision of services by a local department to:
- 6                   A.     the child; or
- 7                   B.     the child's caregiver;
- 8                   3.     subject to a local department retaining legal guardianship,  
9 may award to a caregiver limited authority to make an emergency or ordinary decision as  
10 to the child's care, education, mental or physical health, or welfare;
- 11                  4.     may allow access to a medical or other record of the child;
- 12                  5.     may allow visitation for the child with a specific  
13 individual;
- 14                  6.     may appoint, or continue the appointment of, a  
15 court-appointed special advocate for any purpose set forth under § 3-830 of the Courts  
16 Article;
- 17                  7.     shall direct the provision of any other service or taking of  
18 any other action as to the child's education, health, and welfare, including:
- 19                   A.     for a child who is at least 16 years old, services needed to  
20 help the child's transition from guardianship to independence; or
- 21                   B.     for a child with a developmental disability, services to  
22 obtain ongoing care, if any, needed after the guardianship case ends; and
- 23                  8.     may co-commit the child to the custody of the Maryland  
24 Department of Health and order the Maryland Department of Health to provide a plan for  
25 the child of clinically appropriate services in the least restrictive setting, in accordance with  
26 federal and State law;

27                   (iii)   **FOR A CHILD PLACED WITH A SPECIFIC INDIVIDUAL, SHALL**  
28 **DIRECT THE INDIVIDUAL TO IMMEDIATELY NOTIFY A LOCAL DEPARTMENT IF AN**  
29 **ADULT BEGINS RESIDING IN THE HOME OF THE INDIVIDUAL AND THE ADULT HAS**  
30 **NOT COMPLETED A CRIMINAL HISTORY RECORDS CHECK UNDER § 5-551 OF THIS**  
31 **TITLE.**

1 (IV) if entered under § 5–322 of this subtitle, shall state each party’s  
2 response to the petition;

3 [(iv)] (V) shall state a specific factual finding on whether reasonable  
4 efforts have been made to finalize the child’s permanency plan;

5 [(v)] (VI) shall state whether the child’s parent has waived the right  
6 to notice; and

7 [(vi)] (VII) shall set a date, no later than 180 days after the date of  
8 the order, for the initial guardianship review hearing under § 5–326 of this subtitle.

9 5–326.

10 (a) (10) (ii) [Designation] **EXCEPT AS PROVIDED IN § 5–551 OF THIS**  
11 **TITLE WITH RESPECT TO CRIMINAL HISTORY RECORDS CHECKS OF ADULTS**  
12 **RESIDING IN THE HOME OF THE GUARDIAN, DESIGNATION** of a guardian under this  
13 paragraph terminates the local department’s legal obligations and responsibilities to the  
14 child.

15 **5–328.1.**

16 **(A) AFTER A JUVENILE COURT GRANTS GUARDIANSHIP, IF A LOCAL**  
17 **DEPARTMENT DETERMINES THAT REVIEW OF THE GUARDIANSHIP IS IN THE BEST**  
18 **INTERESTS OF THE CHILD BASED ON INFORMATION RECEIVED FROM A CRIMINAL**  
19 **HISTORY RECORDS CHECK UNDER § 5–551 OF THIS TITLE REGARDING AN ADULT**  
20 **WHO RESIDES IN THE HOME OF THE GUARDIAN, THE LOCAL DEPARTMENT SHALL:**

21 **(1) FILE A PETITION FOR REVIEW OF THE GUARDIANSHIP WITH**  
22 **THE JUVENILE COURT; AND**

23 **(2) GIVE NOTICE TO EACH PARTY.**

24 **(B) (1) THE JUVENILE COURT SHALL SCHEDULE A HEARING TO OCCUR**  
25 **WITHIN 30 DAYS AFTER THE FILING OF THE PETITION.**

26 **(2) IF THE JUVENILE COURT DETERMINES THAT IT IS IN THE BEST**  
27 **INTERESTS OF THE CHILD, THE JUVENILE COURT SHALL:**

28 **(I) SET ASIDE THE GUARDIANSHIP ORDER;**

29 **(II) SCHEDULE A PROMPT TRIAL ON THE MERITS OF THE**  
30 **GUARDIANSHIP PETITION; AND**

1                                   **(III) REOPEN THE CINA CASE FOR REVIEW AS REQUIRED UNDER**  
2 **TITLE 3, SUBTITLE 8 OF THE COURTS ARTICLE.**

3 5–525.

4           (a)   (1)   In this section[, “disability”] **THE FOLLOWING WORDS HAVE THE**  
5 **MEANINGS INDICATED.**

6                   **(2) (I) “DISABILITY” means:**

7                           **[(i)] 1.**     a physical or mental impairment that substantially limits  
8 one or more of an individual’s major life activities;

9                           **[(ii)] 2.**     a record of having a physical or mental impairment that  
10 substantially limits one or more of an individual’s major life activities; or

11                           **[(iii)] 3.**     being regarded as having a physical or mental impairment  
12 that substantially limits one or more of an individual’s major life activities.

13                   **[(2)] (II) “Disability” shall be construed in accordance with the ADA**  
14 **Amendments Act of 2008, P.L. 110–325.**

15                   **(3) (I) “UNLICENSED SETTING” MEANS A SETTING FOR AN**  
16 **OUT-OF-HOME PLACEMENT THAT IS NOT LICENSED.**

17                           **(II) “UNLICENSED SETTING” INCLUDES:**

18                                   **1.     A HOTEL, MOTEL, OR SHORT-TERM RENTAL;**

19                                   **2.     A SHELTER DESIGNATED TO MEET THE NEEDS OF A**  
20 **CHILD WHO HAS RUN AWAY OR WHO IS HOMELESS; AND**

21                                   **3.     AN OFFICE BUILDING OR OTHER NONRESIDENTIAL**  
22 **ENVIRONMENT.**

23                           **(III) “UNLICENSED SETTING” DOES NOT INCLUDE:**

24                                   **1.     THE VOLUNTARY PLACEMENT OF A FORMER CINA;**  
25 **OR**

26                                   **2.     THE PLACEMENT OF A CHILD WITH:**

1                   **A. AN INDIVIDUAL WHO IS A KINSHIP CAREGIVER OR**  
2 **FOSTER PARENT OR WHO IS IN THE PROCESS OF APPLYING TO BE A KINSHIP**  
3 **CAREGIVER OR FOSTER PARENT; OR**

4                   **B. A PARENT, INCLUDING IN A FAMILY-BASED**  
5 **RESIDENTIAL TREATMENT SETTING.**

6           (b) (1) The Administration shall establish a program of out-of-home  
7 placement for minor children:

8                   (i) who are placed in the custody of a local department, for a period  
9 of not more than 180 days, by a parent or legal guardian under a voluntary placement  
10 agreement;

11                   (ii) who are abused, abandoned, neglected, or dependent, if a  
12 juvenile court:

13                   1. has determined that continued residence in the child's  
14 home is contrary to the child's welfare; and

15                   2. has committed the child to the custody or guardianship of  
16 a local department; or

17                   (iii) who, with the approval of the Administration, are placed in an  
18 out-of-home placement by a local department under a voluntary placement agreement  
19 subject to paragraph (2) of this subsection.

20           (c) In establishing the out-of-home placement program the Administration:

21                   **(1) shall:**

22                   **[(1)] (I)** provide time-limited family reunification services to a child  
23 placed in an out-of-home placement and to the parents or guardian of the child, in order  
24 to facilitate the child's safe and appropriate reunification within a timely manner;

25                   **[(2)] (II)** concurrently develop and implement a permanency plan that is  
26 in the best interests of the child; and

27                   **[(3)] (III)** provide training on an annual basis for the staff at each local  
28 department who administer requests for voluntary placement agreements for children with  
29 developmental disabilities or mental illnesses under subsection (b) of this section; **AND**

30                   **(2) MAY NOT ALLOW A CHILD TO BE PLACED IN AN UNLICENSED**  
31 **SETTING.**

32 5-551.

1 (b) The following individuals shall obtain a criminal history records check under  
2 this Part V of this subtitle:

3 (1) an individual who is seeking to adopt a child through a child placement  
4 agency;

5 (2) an individual who is seeking to become a guardian through a local  
6 department;

7 (3) an individual whom the juvenile court appoints as a guardian of a child;

8 (4) an adult relative with whom a child, committed to a local department,  
9 is placed by the local department;

10 (5) any adult known by a local department or the State Department of  
11 Education to be residing in:

12 (i) a family child care home or large family child care home required  
13 to be registered under this title;

14 (ii) a home where informal child care, as defined in child care subsidy  
15 regulations adopted under Title 13A of the Code of Maryland Regulations, is being provided  
16 or will be provided to a child who does not reside there;

17 (iii) a home of an adult relative of a child with whom the child,  
18 committed to a local department, is placed by the local department;

19 (iv) a foster care home or child care home required to be approved  
20 under this title;

21 (v) a home of an individual seeking to adopt a child through a child  
22 placement agency; [or]

23 (vi) a home of an individual seeking to become a guardian through a  
24 local department; OR

25 **(VII) SUBJECT TO SUBSECTION (G) OF THIS SECTION, AN ADULT**  
26 **IN THE HOME OF AN INDIVIDUAL WHOM THE JUVENILE COURT APPOINTS AS**  
27 **GUARDIAN;**

28 (6) an individual who agrees to provide, or to continue providing, informal  
29 child care, as defined in child care subsidy regulations, adopted under Title 13A of the Code  
30 of Maryland Regulations; and

31 (7) if requested by a local department:

1 (i) a parent or guardian of a child who is committed to the local  
2 department and is or has been placed in an out-of-home placement within the past year;  
3 and

4 (ii) any adult known by the local department to be residing in the  
5 home of the parent or guardian.

6 **(G) (1) TO CARRY OUT SUBSECTION (B)(5)(VII) OF THIS SECTION, AN**  
7 **INDIVIDUAL WHO IS APPOINTED GUARDIAN BY THE JUVENILE COURT SHALL**  
8 **PERIODICALLY PROVIDE TO THE LOCAL DEPARTMENT IN THE FORM AND MANNER**  
9 **REQUIRED BY THE LOCAL DEPARTMENT THE NAME OF EACH ADULT RESIDING IN**  
10 **THE GUARDIAN'S HOME.**

11 **(2) IF A LOCAL DEPARTMENT RECEIVES INFORMATION UNDER**  
12 **PARAGRAPH (1) OF THIS SUBSECTION OR § 5-324(B)(1)(III) OF THIS TITLE**  
13 **INDICATING THAT AN ADULT IS RESIDING IN THE GUARDIAN'S HOME, AND THAT**  
14 **ADULT HAS NOT OBTAINED A CRIMINAL HISTORY RECORDS CHECK UNDER THIS**  
15 **PART V OF THIS SUBTITLE, THE LOCAL DEPARTMENT SHALL IMMEDIATELY REFER**  
16 **THE ADULT TO THE DEPARTMENT FOR COMPLETION OF A CRIMINAL HISTORY**  
17 **RECORDS CHECK.**

18 **(3) ON COMPLETION OF A CRIMINAL HISTORY RECORDS CHECK**  
19 **UNDER PARAGRAPH (2) OF THIS SUBSECTION, IF THE LOCAL DEPARTMENT**  
20 **DETERMINES THAT IT IS IN THE BEST INTERESTS OF THE CHILD, THE LOCAL**  
21 **DEPARTMENT SHALL FILE A PETITION WITH THE JUVENILE COURT IN ACCORDANCE**  
22 **WITH § 5-328.1 OF THIS TITLE TO REVIEW THE GUARDIANSHIP.**

23 **(4) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT**  
24 **THIS SUBSECTION.**

25 **[(g)] (H) (1) Except as provided in paragraph (2) of this subsection, a person**  
26 **who is required to have a criminal history records check under this Part V of this subtitle**  
27 **shall pay for:**

28 (i) the mandatory processing fee required by the Federal Bureau of  
29 Investigation for a national criminal history records check;

30 (ii) reasonable administrative costs to the Department, not to exceed  
31 10% of the processing fee; and

32 (iii) the fee authorized under § 10-221(b)(7) of the Criminal  
33 Procedure Article for access to Maryland criminal history records.

1 (2) A volunteer under subsection (c), (d), or (e) of this section who  
2 volunteers for a program that is registered with the Maryland Mentoring Partnership is  
3 required to pay only the mandatory processing fee required by the Federal Bureau of  
4 Investigation for a national criminal history records check.

5 **[(h)] (I)** (1) An employer or other party may pay for the costs borne by the  
6 employee or other individual under subsection **[(g)] (H)** of this section.

7 (2) The local department shall reimburse:

8 (i) an adult residing in a foster care home for the costs borne by the  
9 individual under subsection **[(g)] (H)** of this section; and

10 (ii) an individual described in subsection (b)(7)(ii) of this section for  
11 the costs borne by the individual under subsection **[(g)] (H)** of this section.

## 12 Article – State Government

13 6–101.

14 **[In] EXCEPT AS PROVIDED IN SUBTITLE 5A OF THIS TITLE, IN this title, “Office”**  
15 **means the Office of the Attorney General.**

### 16 SUBTITLE 5A. OFFICE OF THE CHILD WELFARE OMBUDSMAN.

17 **6–5A–01.**

18 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**  
19 **INDICATED.**

20 **(B) “CUSTODY” MEANS:**

21 **(1) PHYSICAL OR LEGAL CUSTODY OF A CHILD; OR**

22 **(2) THE RESPONSIBILITY CREATED BY LAW OR A COURT ORDER FOR**  
23 **THE CARE OF A CHILD.**

24 **(C) “DEPARTMENT” MEANS THE DEPARTMENT OF HUMAN SERVICES.**

25 **(D) “LOCAL DEPARTMENT” HAS THE MEANING STATED IN § 3–101 OF THE**  
26 **HUMAN SERVICES ARTICLE.**

27 **(E) “OFFICE” MEANS THE OFFICE OF THE CHILD WELFARE OMBUDSMAN**  
28 **IN THE OFFICE OF THE ATTORNEY GENERAL.**

1 (F) "OMBUDSMAN" MEANS THE CHILD WELFARE OMBUDSMAN.

2 (G) "SECRETARY" MEANS THE SECRETARY OF HUMAN SERVICES.

3 6-5A-02.

4 (A) THERE IS AN OFFICE OF THE CHILD WELFARE OMBUDSMAN IN THE  
5 OFFICE OF THE ATTORNEY GENERAL.

6 (B) THE PURPOSE OF THE OFFICE IS TO INVESTIGATE AND DETERMINE  
7 WHETHER:

8 (1) THE NEEDS OF CHILDREN AND FAMILIES UNDER THE  
9 JURISDICTION OF THE DEPARTMENT OR A LOCAL DEPARTMENT ARE BEING MET IN  
10 COMPLIANCE WITH STATE LAW;

11 (2) THE RIGHTS OF CHILDREN AND FAMILIES ARE BEING UPHELD;  
12 AND

13 (3) THE CHILDREN ARE NOT BEING ABUSED OR NEGLECTED.

14 6-5A-03.

15 (A) (1) WITH THE ADVICE AND CONSENT OF THE SENATE AND INPUT  
16 FROM CURRENT OR FORMER FOSTER CHILDREN, SUBJECT TO PARAGRAPH (2) OF  
17 THIS SUBSECTION, THE ATTORNEY GENERAL SHALL APPOINT THE CHILD WELFARE  
18 OMBUDSMAN.

19 (2) THE OMBUDSMAN SHALL:

20 (I) HAVE BEEN ADMITTED TO PRACTICE LAW IN THE STATE;  
21 AND

22 (II) HAVE AT LEAST 5 YEARS OF EXPERIENCE IN CHILD  
23 WELFARE.

24 (B) (1) THE TERM OF THE OMBUDSMAN IS 5 YEARS.

25 (2) AT THE END OF A TERM, THE OMBUDSMAN CONTINUES TO SERVE  
26 UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

1           **(3) AN OMBUDSMAN WHO IS APPOINTED AFTER A TERM BEGINS**  
2 **SERVES FOR THE REMAINDER OF THE TERM UNTIL A SUCCESSOR IS APPOINTED AND**  
3 **QUALIFIES.**

4           **(C) BEFORE TAKING OFFICE, THE OMBUDSMAN SHALL TAKE THE OATH**  
5 **REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.**

6           **(D) THE OMBUDSMAN SHALL BE A FULL-TIME STATE EMPLOYEE.**

7           **(E) THE OMBUDSMAN IS ENTITLED TO AN ANNUAL SALARY AS PROVIDED**  
8 **FOR IN THE STATE BUDGET.**

9           **(F) THE ATTORNEY GENERAL MAY REMOVE THE CHILD WELFARE**  
10 **OMBUDSMAN FOR GOOD CAUSE SHOWN AFTER NOTICE AND AN OPPORTUNITY TO BE**  
11 **HEARD.**

12 **6-5A-04.**

13           **(A) THE OFFICE SHALL INCLUDE:**

14                   **(1) A FULL-TIME OMBUDSMAN; AND**

15                   **(2) STAFF, INCLUDING ASSISTANT OMBUDSMEN, AS ALLOWED FOR IN**  
16 **THE STATE BUDGET.**

17           **(B) (1) THE OMBUDSMAN MAY APPOINT AND EMPLOY THE**  
18 **PROFESSIONAL, INVESTIGATIVE, AND CLERICAL STAFF PROVIDED FOR IN THE**  
19 **STATE BUDGET.**

20                   **(2) THE OMBUDSMAN, AS NECESSARY, MAY HIRE OR CONTRACT WITH**  
21 **EXPERTS IN THE FIELD OF CHILD WELFARE.**

22           **(C) (1) TO THE EXTENT PRACTICABLE, THE OMBUDSMAN SHALL USE THE**  
23 **SERVICES AND PERSONNEL OF:**

24                           **(I) THE OFFICE OF THE ATTORNEY GENERAL;**

25                           **(II) THE DEPARTMENT OF STATE POLICE; AND**

26                           **(III) OTHER STATE AND LAW ENFORCEMENT UNITS.**

1           **(2) THE UNITS LISTED IN PARAGRAPH (1) OF THIS SUBSECTION**  
2 **SHALL COOPERATE, TO THE EXTENT PRACTICABLE, WITH THE OMBUDSMAN AND**  
3 **THE OMBUDSMAN'S STAFF.**

4           **(D) IN COOPERATION WITH THE SECRETARY OF BUDGET AND**  
5 **MANAGEMENT, THE ATTORNEY GENERAL SHALL SET MINIMUM SALARIES,**  
6 **QUALIFICATIONS, AND STANDARDS OF TRAINING AND EXPERIENCE FOR POSITIONS**  
7 **IN THE OFFICE.**

8 **6-5A-05.**

9           **(A) THE BUDGET OF THE OMBUDSMAN AND THE OFFICE SHALL BE A PART**  
10 **OF THE BUDGET OF THE OFFICE OF THE ATTORNEY GENERAL.**

11           **(B) SALARIES OF THE OMBUDSMAN AND ASSISTANT OMBUDSMEN AND**  
12 **EXPENSES FOR RENT, EQUIPMENT, SUPPLIES, AND GENERAL OPERATING EXPENSES**  
13 **NECESSARY FOR THE WORK OF THE OFFICE SHALL BE AS PROVIDED IN THE STATE**  
14 **BUDGET.**

15           **(C) THE GOVERNOR SHALL PROVIDE IN THE STATE BUDGET SUFFICIENT**  
16 **MONEY FOR THE OFFICE TO HIRE NECESSARY STAFF.**

17           **(D) IF THE BUDGET FOR THE OFFICE IS INSUFFICIENT TO ALLOW THE**  
18 **OFFICE TO PERFORM THE DUTIES OF THE OFFICE, THE OMBUDSMAN MAY APPLY TO**  
19 **THE BOARD OF PUBLIC WORKS FOR ADDITIONAL MONEY FROM THE GENERAL**  
20 **EMERGENCY FUND.**

21 **6-5A-06.**

22           **(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, OR AS**  
23 **OTHERWISE PROVIDED BY LAW, ALL PERSONNEL OF THE OFFICE ARE SUBJECT TO**  
24 **THE PROVISIONS OF THE STATE PERSONNEL AND PENSIONS ARTICLE.**

25           **(B) THE COMPENSATION OF THE FOLLOWING PERSONNEL SHALL BE**  
26 **DETERMINED BY THE OMBUDSMAN AND, IF POSSIBLE, IN ACCORDANCE WITH THE**  
27 **STATE PAY PLAN:**

28           **(1) ASSISTANT OMBUDSMEN;**

29           **(2) ATTORNEYS THAT ARE SPECIAL APPOINTEES OR IN THE**  
30 **MANAGEMENT SERVICE; AND**

1           **(3) ALL POSITIONS IN MANAGEMENT, PROFESSIONAL, AND SKILLED**  
2 **SERVICE CLASSIFICATIONS UNIQUE TO THE OFFICE.**

3           **(C) (1) AT LEAST 45 DAYS BEFORE THE EFFECTIVE DATE OF A CHANGE IN**  
4 **SALARY PLAN, THE OMBUDSMAN SHALL SUBMIT TO THE SECRETARY OF BUDGET**  
5 **AND MANAGEMENT EACH CHANGE THAT INVOLVES AN INCREASE OR A DECREASE IN**  
6 **SALARY RANGES OTHER THAN THOSE ASSOCIATED WITH ROUTINE CLASSIFICATIONS**  
7 **AND PROMOTIONS OR GENERAL SALARY INCREASES APPROVED BY THE GENERAL**  
8 **ASSEMBLY.**

9           **(2) THE SECRETARY OF BUDGET AND MANAGEMENT SHALL:**

10           **(I) REVIEW THE PROPOSED CHANGES; AND**

11           **(II) AT LEAST 15 DAYS BEFORE THE EFFECTIVE DATE OF THE**  
12 **PROPOSED CHANGES, ADVISE THE OMBUDSMAN WHETHER THE CHANGES WOULD**  
13 **HAVE AN ADVERSE EFFECT ON COMPARABLE STATE JOBS.**

14           **(3) FAILURE OF THE SECRETARY TO RESPOND IN A TIMELY MANNER**  
15 **MAY NOT BE CONSIDERED A STATEMENT OF ADVERSE EFFECT UNDER PARAGRAPH**  
16 **(2)(II) OF THIS SUBSECTION.**

17           **(D) ON OR BEFORE JANUARY 31 EACH YEAR, BEGINNING IN 2028, THE**  
18 **OMBUDSMAN SHALL REPORT TO THE SECRETARY OF BUDGET AND MANAGEMENT**  
19 **AND, IN ACCORDANCE WITH § 2-1257 OF THIS ARTICLE, TO THE GENERAL**  
20 **ASSEMBLY ALL PERSONNEL POSITIONS, CLASSIFICATIONS, AND SALARIES IN THE**  
21 **OFFICE AS OF THE END OF THE IMMEDIATELY PRECEDING CALENDAR YEAR.**

22 **6-5A-07.**

23           **THE OFFICE SHALL:**

24           **(1) IDENTIFY, RECEIVE, INVESTIGATE, AND SEEK THE RESOLUTION**  
25 **OR REFERRAL OF COMPLAINTS MADE BY OR ON BEHALF OF A CHILD INVOLVED IN**  
26 **CHILD IN NEED OF ASSISTANCE CASES CONCERNING ANY ACT, OMISSION, PRACTICE,**  
27 **POLICY, OR PROCEDURE OF A STATE OR LOCAL AGENCY OR ANY PERSON WORKING**  
28 **ON BEHALF OF THE AGENCY THAT MAY ADVERSELY AFFECT THE HEALTH, SAFETY,**  
29 **OR WELFARE OF THE CHILD;**

30           **(2) INSPECT AND REVIEW THE OPERATION, POLICIES, AND**  
31 **PROCEDURES OF FOSTER CARE HOMES, GROUP HOMES, KINSHIP CARE HOMES,**  
32 **RESIDENTIAL TREATMENT FACILITIES, SHELTERS FOR THE CARE OF ABUSED OR**  
33 **NEGLECTED CHILDREN, AND INDEPENDENT LIVING ARRANGEMENTS OPERATED,**

1 LICENSED, OR APPROVED FOR PAYMENT BY THE DEPARTMENT OR A LOCAL  
2 DEPARTMENT OR USED BY THE DEPARTMENT OR BY A LOCAL DEPARTMENT FOR THE  
3 CARE OF CHILDREN IN ITS CUSTODY;

4 (3) REVIEW, EVALUATE, REPORT, AND MAKE RECOMMENDATIONS TO  
5 A STATE OR LOCAL AGENCY CONCERNING PROCEDURES ESTABLISHED BY THE  
6 AGENCY TO PROVIDE SERVICES TO CHILDREN AND FAMILIES THAT ARE AT RISK OF  
7 ABUSE OR NEGLECT, CHILDREN IN STATE OR INSTITUTIONAL CUSTODY, OR  
8 CHILDREN AND FAMILIES WHO RECEIVE CHILD PROTECTIVE KINSHIP CARE OR  
9 FOSTER CARE SERVICES;

10 (4) RECEIVE, INVESTIGATE, AND MAKE REFERRALS TO OTHER STATE  
11 OR LOCAL AGENCIES, OR TAKE OTHER APPROPRIATE ACTIONS WITH RESPECT TO A  
12 COMPLAINT RECEIVED BY THE OFFICE REGARDING THE ACTIONS OF THE  
13 DEPARTMENT OR A LOCAL DEPARTMENT OR A STATE-FUNDED PRIVATE ENTITY  
14 THAT PROVIDES SERVICES TO CHILDREN AND FAMILIES WHO ARE AT RISK OF ABUSE  
15 OR NEGLECT, CHILDREN IN STATE OR INSTITUTIONAL CUSTODY, OR CHILDREN AND  
16 FAMILIES WHO RECEIVE CHILD PROTECTIVE, KINSHIP CARE, OR FOSTER CARE  
17 SERVICES;

18 (5) ESTABLISH AND MAINTAIN A 24-HOUR TOLL-FREE TELEPHONE  
19 HELPLINE AND WEBSITE TO RECEIVE AND RESPOND TO CALLS FROM INDIVIDUALS  
20 REGARDING THE WELFARE OF CHILDREN UNDER THE JURISDICTION OF THE  
21 DEPARTMENT OR A LOCAL DEPARTMENT;

22 (6) CONDUCT UNANNOUNCED SITE VISITS AT REASONABLE TIMES  
23 AND IN A REASONABLE MANNER TO ANY INSTITUTION OR FACILITY TO WHICH  
24 CHILDREN ARE COMMITTED OR PLACED, IF:

25 (I) THE OMBUDSMAN, BEFORE CONDUCTING AN  
26 UNANNOUNCED SITE VISIT, HAS INITIATED AN INVESTIGATION INTO THE RESPONSE  
27 OR DISPOSITION OF AN ALLEGATION OF ABUSE OR NEGLECT AT THE INSTITUTION  
28 OR FACILITY; AND

29 (II) THERE IS A REASONABLE BASIS TO BELIEVE THAT AN  
30 UNANNOUNCED SITE VISIT IS NECESSARY TO CARRY OUT THE OMBUDSMAN'S  
31 RESPONSIBILITIES UNDER THIS SUBTITLE;

32 (7) CONSULT WITH ANY APPROPRIATE STATE OR COUNTY AGENCY OR  
33 STATE-FUNDED PRIVATE ENTITY PROVIDING CHILD WELFARE SERVICES TO  
34 CHILDREN, AND MAY REQUEST FROM ANY SUCH ENTITY, WHICH IS HEREBY  
35 AUTHORIZED AND DIRECTED TO PROVIDE, SUCH COOPERATION AND ASSISTANCE AS

1 WILL ENABLE THE CHILD ADVOCATE TO PROPERLY PERFORM ITS RESPONSIBILITIES  
2 UNDER THIS SECTION; AND

3 (8) ESTABLISH AND IMPLEMENT PROCEDURES FOR RECEIVING,  
4 PROCESSING, RESPONDING TO, AND RESOLVING COMPLAINTS MADE BY OR ON  
5 BEHALF OF CHILDREN WHO ARE RECIPIENTS OF THE SERVICES OF THE LOCAL  
6 DEPARTMENTS, AS PROVIDED FOR IN § 6-5A-09 OF THIS SUBTITLE.

7 6-5A-08.

8 (A) THE OMBUDSMAN MAY:

9 (1) REVIEW AND COPY RELEVANT LAWS, POLICIES, PROCEDURES,  
10 AND DEPARTMENT AND LOCAL DEPARTMENT RECORDS AND REPORTS, INCLUDING  
11 RECORDS RELATING TO AN INDIVIDUAL CHILD;

12 (2) CONDUCT INTERVIEWS WITH STAFF, CHILDREN, AND OTHERS;

13 (3) ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE AND TESTIMONY  
14 OF WITNESSES OR THE PRODUCTION OF BOOKS, PAPERS, AND OTHER DOCUMENTS;

15 (4) ADMINISTER OATHS TO WITNESSES IN ANY MATTER UNDER  
16 INVESTIGATION IN THE OFFICE; AND

17 (5) IF THE OMBUDSMAN CONSIDERS THAT LEGISLATION WOULD  
18 AFFECT THE INTERESTS OF PERSONS UNDER ITS JURISDICTION, RECOMMEND THE  
19 LEGISLATION TO THE GENERAL ASSEMBLY.

20 (B) (1) IF A PERSON TO WHOM A SUBPOENA IS ISSUED UNDER  
21 SUBSECTION (A)(3) OF THIS SECTION FAILS TO APPEAR OR, HAVING APPEARED,  
22 REFUSES TO GIVE TESTIMONY, OR FAILS TO PRODUCE THE BOOKS, PAPERS, OR  
23 OTHER DOCUMENTS REQUIRED, THE OMBUDSMAN MAY APPLY TO THE  
24 APPROPRIATE CIRCUIT COURT FOR RELIEF.

25 (2) THE APPROPRIATE COURT MAY ORDER THE PERSON TO APPEAR  
26 AND GIVE TESTIMONY OR PRODUCE THE BOOKS, PAPERS, OR OTHER DOCUMENTS,  
27 AS APPLICABLE.

28 6-5A-09.

29 (A) A CHILD WHO IS A RECIPIENT OF THE SERVICES OF THE DEPARTMENT  
30 OR A LOCAL DEPARTMENT OR A CHILD IDENTIFIED AS A CHILD IN NEED OF  
31 ASSISTANCE UNDER TITLE 3, SUBTITLE 8 OF THE COURTS ARTICLE MAY FILE A  
32 COMPLAINT WITH THE OMBUDSMAN:

- 1           **(1) BY CALLING THE OMBUDSMAN’S 24–HOUR TOLL–FREE HELPLINE;**  
2           **(2) BY FILING THE COMPLAINT ELECTRONICALLY WITH THE OFFICE;**  
3           **(3) BY MEETING IN PERSON WITH STAFF FROM THE OFFICE;**  
4           **(4) THROUGH AN ADULT REPRESENTING THE CHILD’S INTERESTS; OR**  
5           **(5) BY ANY OTHER REASONABLE MEANS ESTABLISHED BY THE**  
6 **OMBUDSMAN.**

7           **(B) THE COMPLAINT PROCESS SHALL BE CONFIDENTIAL, EXPEDIENT, AND**  
8 **RESPONSIVE TO THE CHILD’S PERCEPTION OF SAFETY ISSUES AND THE CHILD’S**  
9 **EMOTIONAL NEEDS.**

10           **(C) THE OMBUDSMAN SHALL ESTABLISH AND IMPLEMENT APPROPRIATE**  
11 **RESPONSE TIMES AND SAFETY MEASURES FOR DIFFERENT TYPES OF COMPLAINTS.**

12           **(D) FOR A CHILD WITH SAFETY CONCERNS ABOUT THE CHILD’S**  
13 **OUT–OF–HOME PLACEMENT, THE CHILD’S SAFETY MUST BE PARAMOUNT SO THAT**  
14 **THE CHILD FEELS COMFORTABLE REPORTING COMPLAINTS AND FEELS SAFE**  
15 **PENDING THE OUTCOME OF ANY INVESTIGATION.**

16           **(E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LOCAL**  
17 **DEPARTMENT SHALL INCLUDE, IN DEVELOPMENTALLY APPROPRIATE LANGUAGE,**  
18 **INFORMATION IN EACH CHILD’S RECORD ABOUT THE COMPLAINT PROCEDURE.**

19           **(2) THE INFORMATION SHALL INCLUDE:**

20                   **(I) THE DEFINITION OF A COMPLAINT, INCLUDING EXAMPLES**  
21 **OF SITUATIONS WHERE IT IS APPROPRIATE TO FILE A COMPLAINT;**

22                   **(II) HOW TO FILE A FORMAL COMPLAINT WITH THE OFFICE;**

23                   **(III) AN EXPLANATION OF THE PURPOSES OF THE OFFICE;**

24                   **(IV) THE RESPONSE TIMES ESTABLISHED UNDER SUBSECTION**  
25 **(C) OF THIS SECTION;**

26                   **(V) POTENTIAL RESOLUTIONS BASED ON THE TYPE OF**  
27 **COMPLAINTS;**

1                   **(VI) HOW THE CHILD’S SAFETY WILL BE PROTECTED DURING**  
2 **THE INVESTIGATION OF THE COMPLAINT;**

3                   **(VII) AN EXPLANATION OF THE CHILD’S RIGHTS AS OUTLINED IN**  
4 **ANY DEPARTMENT HANDBOOK FOR CHILDREN IN FOSTER CARE; AND**

5                   **(VIII) ANY OTHER INFORMATION THE OFFICE REQUIRES.**

6           **(3) A CHILD SHALL BE GIVEN THE INFORMATION:**

7                   **(I) AT THE CHILD’S INITIAL COURT HEARING;**

8                   **(II) BEFORE ANY SUBSEQUENT COURT HEARINGS; AND**

9                   **(III) BEFORE EVERY NEW PLACEMENT.**

10           **(F) THE OFFICE SHALL PROVIDE TRAINING ON COMPLAINT POLICIES AND**  
11 **PROCEDURES TO ALL LOCAL DEPARTMENT CASEWORKERS, ATTORNEYS FOR**  
12 **CHILDREN, OUT-OF-HOME PLACEMENT PROVIDERS, COURT-APPOINTED SPECIAL**  
13 **ADVOCATES, JUDICIAL OFFICERS, AND OTHER PROFESSIONALS WORKING WITH**  
14 **CHILDREN THROUGH THEIR CHILD IN NEED OF ASSISTANCE CASES AS PART OF**  
15 **THEIR EMPLOYMENT ORIENTATION AND CONTINUING PROFESSIONAL**  
16 **DEVELOPMENT.**

17           **(G) (1) ON CONCLUSION OF AN INVESTIGATION UNDER THIS SECTION,**  
18 **THE OFFICE SHALL INFORM THE CHILD, IN A DEVELOPMENTALLY APPROPRIATE**  
19 **MANNER, OF THE OUTCOME OF THE INVESTIGATION.**

20                   **(2) IF THE OUTCOME OF THE INVESTIGATION ENTAILS SITE VISITS**  
21 **WITH THE CHILD FOR A SPECIFIED PERIOD OF TIME, THE CHILD SHALL BE**  
22 **INFORMED OF THE SCOPE AND INTENT OF THIS FOLLOW-UP PROCESS.**

23           **(H) (1) EXCEPT AS PROVIDED UNDER PARAGRAPH (2) OF THIS**  
24 **SUBSECTION, THE OMBUDSMAN SHALL TREAT ALL COMPLAINTS RECEIVED UNDER**  
25 **SUBSECTION (A) OF THIS SECTION AS CONFIDENTIAL, INCLUDING THE IDENTITIES**  
26 **OF COMPLAINANTS AND INDIVIDUALS FROM WHOM INFORMATION IS ACQUIRED.**

27                   **(2) THE OMBUDSMAN MAY DISCLOSE INFORMATION AS NECESSARY**  
28 **TO ENABLE THE OMBUDSMAN TO PERFORM THE OMBUDSMAN’S DUTIES AND TO**  
29 **SUPPORT ANY RECOMMENDATIONS RESULTING FROM AN INVESTIGATION.**

1           **(I) RECORDS RELATING TO COMPLAINTS RECEIVED BY THE OFFICE AND**  
2 **THE INVESTIGATION OF COMPLAINTS ARE EXEMPT FROM DISCLOSURE UNDER THE**  
3 **PUBLIC INFORMATION ACT.**

4 **6-5A-10.**

5           **(A) THE OFFICE SHALL REPORT IN A TIMELY MANNER TO THE SECRETARY**  
6 **AND, IN ACCORDANCE WITH § 2-1257 OF THIS ARTICLE, THE GENERAL ASSEMBLY:**

7           **(1) KNOWLEDGE OF ANY SYSTEMIC OR LIFE-THREATENING**  
8 **PROBLEMS AND ANY FINDINGS, ACTIONS, AND RECOMMENDATIONS RELATING TO**  
9 **INVESTIGATIONS REGARDING THE CARE, SUPERVISION, AND TREATMENT OF:**

10                   **(I) CHILDREN AND FAMILIES WHO ARE AT RISK OF ABUSE OR**  
11 **NEGLECT;**

12                   **(II) CHILDREN IN DEPARTMENT OR LOCAL DEPARTMENT**  
13 **CUSTODY; OR**

14                   **(III) CHILDREN AND FAMILIES WHO RECEIVE CHILD**  
15 **PROTECTIVE KINSHIP CARE OR FOSTER CARE SERVICES; AND**

16           **(2) ALL OTHER FINDINGS, ACTIONS, AND RECOMMENDATIONS**  
17 **RELATED TO THE ACTIVITIES REQUIRED UNDER THIS SUBTITLE.**

18           **(B) (1) THE OFFICE SHALL REPORT QUARTERLY TO THE SECRETARY.**

19                   **(2) A COPY OF THE REPORT SHALL BE PROVIDED TO THE CITIZENS**  
20 **REVIEW BOARD FOR CHILDREN, THE STATE COUNCIL ON CHILD ABUSE AND**  
21 **NEGLECT, AND, IN ACCORDANCE WITH § 2-1257 OF THIS ARTICLE, THE GENERAL**  
22 **ASSEMBLY.**

23           **(3) THE REPORT SHALL INCLUDE:**

24                   **(I) ALL ACTIVITIES OF THE OFFICE;**

25                   **(II) ALL COMPLAINTS MADE TO THE OFFICE INCLUDING:**

26                           **1. THE JURISDICTION WHERE THE INCIDENT**  
27 **OCCURRED;**

28                           **2. THE JURISDICTION THAT HAS CARE AND CUSTODY OF**  
29 **THE CHILD IN NEED OF ASSISTANCE WHOSE CASE IS BEING REVIEWED;**

- 1                                   **3. THE NATURE OF THE COMPLAINT;**  
2                                   **4. THE DISPOSITION OF THE COMPLAINT;**  
3                                   **5. WHAT, IF ANY, FOLLOW-UP ACTION THE OFFICE TOOK**  
4 **AND WHY;**  
5                                   **6. THE CHILD'S PLACEMENT; AND**  
6                                   **7. DEMOGRAPHIC INFORMATION ABOUT THE CHILD**  
7 **INCLUDING AGE, GENDER IDENTITY, RACE, AND ETHNICITY;**

8                                   **(III) ACTIONS TAKEN BY THE DEPARTMENT OR A LOCAL**  
9 **DEPARTMENT RESULTING FROM THE FINDINGS AND RECOMMENDATIONS OF THE**  
10 **OFFICE, INCLUDING THE RESPONSE BY THE DEPARTMENT OR LOCAL DEPARTMENT;**  
11 **AND**

12                                   **(IV) A SUMMARY OF ANY VIOLATIONS OF THE STANDARDS AND**  
13 **REGULATIONS OF THE DEPARTMENT THAT REMAINED UNABATED FOR 30 DAYS OR**  
14 **MORE DURING THE REPORTING PERIOD.**

15                                   **(C) ON OR BEFORE NOVEMBER 30 EACH YEAR, BEGINNING IN 2028, THE**  
16 **OFFICE SHALL REPORT TO THE SECRETARY, THE CITIZENS REVIEW BOARD FOR**  
17 **CHILDREN, THE STATE COUNCIL ON CHILD ABUSE AND NEGLECT, THE GOVERNOR,**  
18 **AND, IN ACCORDANCE WITH § 2-1257 OF THIS ARTICLE, THE GENERAL ASSEMBLY**  
19 **ON ALL THE ACTIVITIES OF THE OFFICE AND THE ACTIONS TAKEN BY THE**  
20 **DEPARTMENT IN RESPONSE TO FINDINGS AND RECOMMENDATIONS OF THE OFFICE.**

21                                   **(D) BEFORE SUBMITTING A REPORT UNDER SUBSECTION (B) OR (C) OF THIS**  
22 **SECTION, THE OFFICE SHALL REMOVE ANY IDENTIFYING INFORMATION AS**  
23 **NECESSARY TO PROTECT THE PRIVACY OF THE CHILD AND THE CHILD'S FAMILY.**

24 **6-5A-11.**

25                                   **(A) A PERSON MAY NOT:**

26                                   **(1) DISCRIMINATE OR RETALIATE IN ANY MANNER AGAINST ANY**  
27 **PERSON FOR:**

28                                   **(I) FILING A COMPLAINT UNDER THIS SUBTITLE; OR**

1                                   **(II) PROVIDING INFORMATION TO AN ADVOCATE OF A CHILD IN**  
2 **GOOD FAITH; OR**

3                                   **(2) WILLFULLY INTERFERE WITH AN ADVOCATE OF A CHILD IN THE**  
4 **PERFORMANCE OF THE ADVOCATE'S OFFICIAL DUTIES.**

5                                   **(B) A PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION IS GUILTY**  
6 **OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING**  
7 **\$5,000 OR IMPRISONMENT NOT EXCEEDING 5 YEARS OR BOTH.**

8                                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2026.