

HOUSE BILL 1272

D4

6lr3411

By: **Delegates Acevero, Fennell, Guyton, Hill, D. Jones, Martinez, Moreno, Smith, Toles, Woods, and Young**

Introduced and read first time: February 12, 2026

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Kinship Care**

3 FOR the purpose of requiring a local department to consider a child’s feelings or views
4 about a prospective kinship caregiver in selecting a placement that is in the best
5 interest of the child in an out-of-home placement; including a certain unrelated
6 individual identified by a child as an option for a kinship caregiver; requiring a local
7 department to consider certain factors when determining whether to approve an
8 individual as a kinship caregiver; and generally relating to kinship care.

9 BY repealing and reenacting, with amendments,
10 Article – Family Law
11 Section 5–534
12 Annotated Code of Maryland
13 (2019 Replacement Volume and 2025 Supplement)

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

16 **Article – Family Law**

17 5–534.

18 (a) (1) In this section, “kinship caregiver” means an individual:

19 (i) with whom a child who is in the care, custody, or guardianship of
20 the local department may be placed for temporary or long-term care other than adoption;
21 and

22 (ii) who is approved by the local department under subsection (e) of
23 this section.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) "Kinship caregiver" includes:

2 (i) a kinship parent;

3 (ii) an individual who is related to the child through blood or
4 marriage, adoption, tribal law or custom, or cultural custom or practice; and

5 (iii) an individual who is unrelated to the child but has a strong
6 familial or other significant bond with the child, or is a person identified by the **CHILD OR**
7 **THE** child's parent.

8 (b) The Secretary of Human Services shall establish and maintain a kinship care
9 program.

10 (c) (1) In selecting a placement that is in the best [interests] **INTEREST** of a
11 child in need of out-of-home placement, in the absence of good cause to the contrary, the
12 local department shall give preference to placement with a kinship caregiver.

13 (2) The local department shall exhaust all reasonable resources to make
14 proactive, thorough, and timely efforts to locate a kinship caregiver for initial placement of
15 the child.

16 (3) **IN SELECTING A PLACEMENT THAT IS IN THE BEST INTEREST OF A**
17 **CHILD IN AN OUT-OF-HOME PLACEMENT, THE LOCAL DEPARTMENT SHALL**
18 **CONSIDER THE CHILD'S FEELINGS AND VIEWS ABOUT A PROSPECTIVE KINSHIP**
19 **CAREGIVER.**

20 (4) If the local department cannot locate a kinship caregiver at the time of
21 the initial placement, then preference shall be given to a placement that most approximates
22 a family in which the child's special needs, if any, may be met, taking into account the
23 following:

24 (i) the proximity of the placement to the child's home, extended
25 family, or siblings;

26 (ii) the child's culture or language continuity;

27 (iii) the child's age; and

28 (iv) the child's developmental and educational needs.

29 [(4)] (5) If a kinship caregiver is located subsequent to the placement of a
30 child in a foster care setting, the local department shall, in the best interest of the child,
31 place the child with the kinship caregiver.

1 (d) A kinship caregiver may not be under the age of 18 years.

2 (e) (1) The local department shall approve an individual as a kinship caregiver
3 if:

4 (i) the individual is related to the child through blood or marriage,
5 adoption, tribal law or custom, or cultural custom or practice;

6 (ii) the individual has a strong familial or other significant bond to
7 the child or the child's family or is a person identified by the child's parent; and

8 (iii) placement with the individual is in the child's best interest.

9 (2) **WHEN DETERMINING WHETHER TO APPROVE AN INDIVIDUAL AS A**
10 **KINSHIP CAREGIVER, THE LOCAL DEPARTMENT SHALL CONSIDER:**

11 **(I) THE INDIVIDUAL'S KNOWLEDGE AND UNDERSTANDING OF**
12 **THE CIRCUMSTANCES THAT LED TO THE NEED FOR THE CHILD'S PLACEMENT;**

13 **(II) THE INDIVIDUAL'S PREVIOUS INVOLVEMENT IN HELPING OR**
14 **PROTECTING THE CHILD;**

15 **(III) THE INDIVIDUAL'S PREVIOUS INVOLVEMENT IN**
16 **PREVENTING OCCURRENCES OF ABUSE OR MALTREATMENT OF THE CHILD;**

17 **(IV) THE INDIVIDUAL'S CURRENT ABILITY TO PROTECT THE**
18 **CHILD;**

19 **(V) THE INDIVIDUAL'S ABILITY TO UNDERSTAND THE NEED FOR**
20 **PROTECTION OF THE CHILD; AND**

21 **(VI) THE INDIVIDUAL'S WILLINGNESS TO COOPERATE WITH THE**
22 **LOCAL DEPARTMENT.**

23 **(3)** A prospective kinship caregiver shall provide to the local department
24 any information the local department requests to enable the local department to determine
25 whether the individual meets the criteria specified in paragraph (1) of this subsection.

26 (f) The Administration shall adopt regulations and policies consistent with this
27 section.

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