

HOUSE BILL 1290

D4

6lr3540

By: **Delegates Woods, Alston, Crutchfield, Harrison, Ivey, J. Long, McComas, Patterson, Roberson, Roberts, Ruth, Simmons, Stinnett, Taylor, Terrasa, and Turner**

Introduced and read first time: February 12, 2026

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Child in Need of Assistance – Proceedings – Child’s Right to be Present**

3 FOR the purpose of authorizing a child who is the subject of a child in need of assistance
4 proceeding to be present at the proceeding; authorizing the court to exclude the child
5 from a proceeding under certain circumstances and after considering certain
6 alternatives; and generally relating to children in need of assistance.

7 BY repealing and reenacting, without amendments,

8 Article – Courts and Judicial Proceedings

9 Section 3–801(a), (e), (f), (g), and (i)

10 Annotated Code of Maryland

11 (2020 Replacement Volume and 2025 Supplement)

12 BY adding to

13 Article – Courts and Judicial Proceedings

14 Section 3–831

15 Annotated Code of Maryland

16 (2020 Replacement Volume and 2025 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – Courts and Judicial Proceedings**

20 3–801.

21 (a) In this subtitle the following words have the meanings indicated.

22 (e) “Child” means an individual under the age of 18 years.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (f) "Child in need of assistance" means a child who requires court intervention
2 because:

3 (1) The child has been abused, has been neglected, has a developmental
4 disability, or has a mental disorder; and

5 (2) The child's parents, guardian, or custodian are unable or unwilling to
6 give proper care and attention to the child and the child's needs.

7 (g) "CINA" means a child in need of assistance.

8 (i) "Court" means the circuit court for a county sitting as the juvenile court.

9 **3-831.**

10 (A) **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A CHILD**
11 **WHO IS THE SUBJECT OF A CINA PROCEEDING UNDER THIS SUBTITLE HAS THE**
12 **RIGHT TO BE PRESENT AT THE PROCEEDING.**

13 (B) **THE COURT MAY EXCLUDE A CHILD FROM A CINA PROCEEDING IF:**

14 (1) **THE CHILD'S ATTORNEY:**

15 (I) **DETERMINES THAT THE CHILD'S PRESENCE AT THE**
16 **PROCEEDING IS NOT IN THE BEST INTEREST OF THE CHILD; AND**

17 (II) **NOTIFIES THE COURT THAT THE CHILD HAS WAIVED THE**
18 **RIGHT TO BE PRESENT; OR**

19 (2) **THE COURT, AFTER CONSIDERATION AND FINDINGS ON THE**
20 **RECORD, DETERMINES THAT THE CHILD'S PRESENCE AT THE PROCEEDING IS NOT**
21 **IN THE BEST INTEREST OF THE CHILD.**

22 (C) **BEFORE EXCLUDING A CHILD UNDER SUBSECTION (B) OF THIS SECTION,**
23 **A COURT SHALL CONSIDER LESS RESTRICTIVE ALTERNATIVES, INCLUDING:**

24 (1) **ADJUSTMENT OF THE COURT'S SCHEDULE;**

25 (2) **REMOTE PARTICIPATION FOR ANY PARTY TO THE PROCEEDING;**

26 (3) **TRAUMA-INFORMED SUPPORT FOR THE CHILD; OR**

1 **(4) LIMITING THE TIME THE CHILD IS PHYSICALLY IN THE**
2 **COURTROOM.**

3 **(D) THE CHILD'S ATTORNEY MAY NOT WAIVE THE CHILD'S RIGHT TO BE**
4 **PRESENT AT A CONSULTATION REQUIRED UNDER § 3-823(J) OF THIS SUBTITLE.**

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