

# SENATE BILL 604

D4, D5

6lr2825

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By: **Senator M. Washington**

Introduced and read first time: February 5, 2026

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Adoption, Foster Care, and Public Services – Prohibition Against**  
3 **Discrimination**

4 FOR the purpose of prohibiting a child placement agency from denying a prospective  
5 parent's application to adopt a child based on certain characteristics with certain  
6 exceptions; prohibiting the Social Services Administration of the Department of  
7 Human Services and certain agencies, institutions, and facilities from discriminating  
8 against a foster parent, a prospective foster parent, or a child in foster care based on  
9 certain characteristics; prohibiting the Department, a local department of human  
10 services, or any individual or entity that receives funds from the Department, or from  
11 whom the Department purchases services, from discrimination in the provision of  
12 services or in employment practices based on certain characteristics with certain  
13 exceptions; and generally relating to adoption, foster care, and the Department of  
14 Human Services.

15 BY adding to  
16 Article – Family Law  
17 Section 5–3A–38 and 5–525(m)  
18 Annotated Code of Maryland  
19 (2019 Replacement Volume and 2025 Supplement)

20 BY repealing and reenacting, without amendments,  
21 Article – Family Law  
22 Section 5–501(a) through (c)  
23 Annotated Code of Maryland  
24 (2019 Replacement Volume and 2025 Supplement)

25 BY adding to  
26 Article – Human Services  
27 Section 2–214  
28 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2019 Replacement Volume and 2025 Supplement)

BY repealing and reenacting, without amendments,  
Article – Human Services  
Section 3–101(a) and (d)  
Annotated Code of Maryland  
(2019 Replacement Volume and 2025 Supplement)

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

**Article – Family Law**

**5–3A–38.**

**(A) A CHILD PLACEMENT AGENCY MAY NOT DENY AN INDIVIDUAL’S  
APPLICATION TO BE AN ADOPTIVE PARENT:**

**(1) BECAUSE THE INDIVIDUAL:**

**(I) IS DIVORCED;**

**(II) IS SEPARATED FROM A SPOUSE;**

**(III) IS NOT MARRIED;**

**(IV) HAS OTHER CHILDREN IN THE FAMILY;**

**(V) DOES NOT OWN A HOME; OR**

**(VI) IS UNABLE TO PAY A REASONABLE FEE FOR ADOPTION  
SERVICES; OR**

**(2) BECAUSE OF THE APPLICANT’S OR ADOPTIVE CHILD’S:**

**(I) RACE;**

**(II) COLOR;**

**(III) CULTURE;**

**(IV) NATIONAL ORIGIN;**

**(V) SEXUAL ORIENTATION;**

1 (VI) ETHNICITY; OR

2 (VII) GENDER IDENTITY.

3 (B) A CHILD PLACEMENT AGENCY SHALL DENY AN APPLICATION IF THE  
4 AGENCY DETERMINES THAT AN APPLICANT:

5 (1) HAS A CHILD SUPPORT ACCOUNT THAT IS IN SUBSTANTIAL  
6 ARREARAGE, WHICH MAY AFFECT THE APPLICANT'S ABILITY TO PROVIDE FOR THE  
7 ADOPTIVE CHILD;

8 (2) HAS INSUFFICIENT FUNDS TO PROVIDE ADEQUATELY FOR THE  
9 ADOPTIVE CHILD;

10 (3) HAS PHYSICAL OR MENTAL HEALTH ISSUES THAT PRECLUDE THE  
11 ABILITY TO PARENT THE ADOPTIVE CHILD;

12 (4) IS UNDER THE AGE OF 18 YEARS;

13 (5) HAS A CRIMINAL BACKGROUND OR RECORD OF CHILD ABUSE OR  
14 NEGLECT THAT PRECLUDES THE POSSIBILITY OF BEING AN ADOPTIVE PARENT;

15 (6) HAS AN ACTIVE ADOPTION APPLICATION OR HOME STUDY WITH  
16 ANOTHER CHILD PLACEMENT AGENCY;

17 (7) HAD A PREVIOUS APPLICATION DENIED FOR A VALID REASON;

18 (8) IS A MEMBER OF THE CHILD PLACEMENT AGENCY'S GOVERNING  
19 BOARD;

20 (9) IS AN ADOPTION SERVICE EMPLOYEE OF THE CHILD PLACEMENT  
21 AGENCY;

22 (10) HAS A LIVING SPACE THAT IS INADEQUATE FOR AN ADDITIONAL  
23 FAMILY MEMBER; OR

24 (11) KNOWINGLY PROVIDED FALSE INFORMATION ON THE  
25 APPLICATION.

26 5-501.

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

(b) “Administration” means:

(1) the Social Services Administration of the Department; or

(2) any other unit within the Department to which the Secretary of Human Services has delegated in writing specified responsibilities of the Administration under this subtitle.

(c) “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.

5–525.

**(M) THE ADMINISTRATION AND ANY AGENCY, INSTITUTION, OR FACILITY THAT ADMINISTERS FOSTER CARE IN THE STATE MAY NOT DISCRIMINATE AGAINST A FOSTER PARENT, A PROSPECTIVE FOSTER PARENT, OR A CHILD IN FOSTER CARE BASED ON:**

**(1) SEXUAL ORIENTATION;**

**(2) GENDER IDENTITY; OR**

**(3) MARITAL STATUS.**

#### **Article – Human Services**

**2–214.**

**(A) IN THIS SUBSECTION, “LOCAL DEPARTMENT” HAS THE MEANING STATED IN § 3–101 OF THIS ARTICLE.**

**(B) EXCEPT AS PROVIDED IN SUBSECTIONS (C) AND (D) OF THIS SECTION, THE DEPARTMENT, A LOCAL DEPARTMENT, OR ANY INDIVIDUAL OR ENTITY THAT RECEIVES FUNDS FROM THE DEPARTMENT, OR FROM WHOM THE DEPARTMENT PURCHASES SERVICES, MAY NOT DISCRIMINATE:**

**(1) IN THE PROVISION OF SERVICES TO THE PUBLIC BASED ON:**

**(I) RACE;**

**(II) RELIGION;**

**(III) COLOR;**

**(IV) NATIONAL ORIGIN;**

(V) SEX;

(VI) PHYSICAL OR MENTAL DISABILITY;

(VII) AGE;

(VIII) SEXUAL ORIENTATION; OR

(IX) GENDER IDENTITY; OR

(2) IN EMPLOYMENT PRACTICES BASED ON:

(I) POLITICAL OR RELIGIOUS AFFILIATION OR OPINION;

(II) MARITAL STATUS; OR

(III) A CHARACTERISTIC LISTED IN ITEM (1) OF THIS  
SUBSECTION.

(C) DISCRIMINATION THAT IS OTHERWISE PROHIBITED UNDER  
SUBSECTION (B)(1) OF THIS SECTION IS AUTHORIZED WHEN THE DISTINCTION IS  
BASED ON:

(1) SEX OR AGE AS AUTHORIZED OR REQUIRED BY STATUTE;

(2) RELIGION WHEN NECESSARY TO PROTECT THE RELIGIOUS  
HERITAGE OF A MINOR; OR

(3) DISABILITY WHEN NECESSARY TO PROVIDE DISABLED  
INDIVIDUALS WITH AID, CARE, SERVICES, OR BENEFITS THAT ARE COMPARABLE TO  
THOSE PROVIDED TO ALL RECIPIENTS.

(D) THE PROHIBITIONS OF THIS SECTION DO NOT APPLY IF THE  
DISCRIMINATORY PRACTICES ARE AUTHORIZED BY ANOTHER LAW.

3–101.

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

(d) “Local department” means:

(1) a local department of social services created or continued in a county  
under § 3–201 of this title; or

1                   (2)     in Montgomery County, the Montgomery County government.

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