

SENATE BILL 604

D4, D5

6lr2825

By: Senator M. Washington

Introduced and read first time: February 5, 2026

Assigned to: Judicial Proceedings

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2019 Replacement Volume and 2025 Supplement)

2 BY repealing and reenacting, without amendments,
3 Article – Human Services
4 Section 3–101(a) and (d)
5 Annotated Code of Maryland
6 (2019 Replacement Volume and 2025 Supplement)

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

9 **Article – Family Law**

10 **5–3A–38.**

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

13 **(1) BECAUSE THE INDIVIDUAL:**

14 **(I) IS DIVORCED;**
15 **(II) IS SEPARATED FROM A SPOUSE;**
16 **(III) IS NOT MARRIED;**

17 **(IV) HAS OTHER CHILDREN IN THE FAMILY;**
18 **(V) DOES NOT OWN A HOME; OR**

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

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

22 **(I) RACE;**
23 **(II) COLOR;**
24 **(III) CULTURE;**
25 **(IV) NATIONAL ORIGIN;**
26 **(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
delegated in writing specified responsibilities of the Administration under this

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

(M) THE ADMINISTRATION AND ANY AGENCY, INSTITUTION, OR FACILITY ADMINISTERS FOSTER CARE IN THE STATE MAY NOT DISCRIMINATE AGAINST 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

17 2-214.

(A) IN THIS SUBSECTION, "LOCAL DEPARTMENT" HAS THE MEANING ED IN § 3-101 OF THIS ARTICLE.

(B) EXCEPT AS PROVIDED IN SUBSECTIONS (C) AND (D) OF THIS SECTION, 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:

(iii) 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

10 SUBSECTION.

(C) DISCRIMINATION THAT IS OTHERWISE PROHIBITED UNDER SECTION (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
OF A MINOR; OR**

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

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

22 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

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