

SENATE BILL 996

D4, O4, P1

6lr3726
CF HB 980

By: **Senator Zucker**

Introduced and read first time: February 22, 2026

Assigned to: Rules

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)

24 BY repealing and reenacting, with amendments,
25 Article – Family Law
26 Section 5–324(b)(1), 5–326(a)(10)(ii), 5–525(a) and (c), and 5–551(b), (g), and (h)
27 Annotated Code of Maryland
28 (2019 Replacement Volume and 2025 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – Family Law
3 Section 5–328.1 and 5–551(g)
4 Annotated Code of Maryland
5 (2019 Replacement Volume and 2025 Supplement)

6 BY repealing and reenacting, without amendments,
7 Article – Family Law
8 Section 5–525(b)(1)
9 Annotated Code of Maryland
10 (2019 Replacement Volume and 2025 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article – State Government
13 Section 6–101
14 Annotated Code of Maryland
15 (2021 Replacement Volume and 2025 Supplement)

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

22 Preamble

23 WHEREAS, Child abuse and neglect is a serious and reprehensible problem in
24 society; and

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

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

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

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

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

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

9 **Article – Courts and Judicial Proceedings**

10 3–819.2.

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

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

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

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

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

21 **Article – Family Law**

22 5–324.

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

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

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

27 1. may place the child:

28 A. subject to paragraph (2) of this subsection, in a specific
29 type of facility; or

30 B. with a specific individual;

2. may direct provision of services by a local department to:

A. the child; or

B. the child's caregiver;

3. subject to a local department retaining legal guardianship, may award to a caregiver limited authority to make an emergency or ordinary decision as to the child's care, education, mental or physical health, or welfare;

4. may allow access to a medical or other record of the child;

5. may allow visitation for the child with a specific individual;

6. may appoint, or continue the appointment of, a court-appointed special advocate for any purpose set forth under § 3-830 of the Courts Article;

7. shall direct the provision of any other service or taking of any other action as to the child's education, health, and welfare, including:

A. for a child who is at least 16 years old, services needed to help the child's transition from guardianship to independence; or

B. for a child with a developmental disability, services to obtain ongoing care, if any, needed after the guardianship case ends; and

8. may co-commit the child to the custody of the Maryland Department of Health and order the Maryland Department of Health to provide a plan for the child of clinically appropriate services in the least restrictive setting, in accordance with federal and State law;

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

(IV) if entered under § 5-322 of this subtitle, shall state each party's response to the petition;

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

1 [(v)] (VI) shall state whether the child's parent has waived the right
2 to notice; and

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

5 5-326.

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

11 **5-328.1.**

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

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

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

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

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

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

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

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

29 5-525.

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

3 (2) (I) **“DISABILITY”** means:

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

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

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

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

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

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

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

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

18 3. **AN OFFICE BUILDING OR OTHER NONRESIDENTIAL**
 19 **ENVIRONMENT.**

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

21 1. **THE VOLUNTARY PLACEMENT OF A FORMER CINA;**
 22 **OR**

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

24 **A. AN INDIVIDUAL WHO IS A KINSHIP CAREGIVER OR**
 25 **FOSTER PARENT OR WHO IS IN THE PROCESS OF APPLYING TO BE A KINSHIP**
 26 **CAREGIVER OR FOSTER PARENT; OR**

27 **B. A PARENT, INCLUDING IN A FAMILY-BASED**
 28 **RESIDENTIAL TREATMENT SETTING.**

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

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

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

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

10 2. has committed the child to the custody or guardianship of
11 a local department; or

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

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

16 (1) shall:

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

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

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

25 (2) MAY NOT ALLOW A CHILD TO BE PLACED IN AN UNLICENSED
26 SETTING.

27 5-551.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (7) if requested by a local department:

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

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

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

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

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

18 **(4)** THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT
19 THIS SUBSECTION.

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

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

25 (ii) reasonable administrative costs to the Department, not to exceed
26 10% of the processing fee; and

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

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

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

1 **(A) THERE IS AN OFFICE OF THE CHILD WELFARE OMBUDSMAN IN THE**
2 **OFFICE OF THE ATTORNEY GENERAL.**

3 **(B) THE PURPOSE OF THE OFFICE IS TO INVESTIGATE AND DETERMINE**
4 **WHETHER:**

5 **(1) THE NEEDS OF CHILDREN AND FAMILIES UNDER THE**
6 **JURISDICTION OF THE DEPARTMENT OR A LOCAL DEPARTMENT ARE BEING MET IN**
7 **COMPLIANCE WITH STATE LAW;**

8 **(2) THE RIGHTS OF CHILDREN AND FAMILIES ARE BEING UPHELD;**
9 **AND**

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

11 **6-5A-03.**

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

16 **(2) THE OMBUDSMAN SHALL:**

17 **(I) HAVE BEEN ADMITTED TO PRACTICE LAW IN THE STATE;**
18 **AND**

19 **(II) HAVE AT LEAST 5 YEARS OF EXPERIENCE IN CHILD**
20 **WELFARE.**

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

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

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

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

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

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

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

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

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

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

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

11 **(B) (1) THE OMBUDSMAN MAY APPOINT AND EMPLOY THE**
12 **PROFESSIONAL, INVESTIGATIVE, AND CLERICAL STAFF PROVIDED FOR IN THE**
13 **STATE BUDGET.**

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

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

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

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

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

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

24 **(D) IN COOPERATION WITH THE SECRETARY OF BUDGET AND**
25 **MANAGEMENT, THE ATTORNEY GENERAL SHALL SET MINIMUM SALARIES,**
26 **QUALIFICATIONS, AND STANDARDS OF TRAINING AND EXPERIENCE FOR POSITIONS**
27 **IN THE OFFICE.**

28 **6-5A-05.**

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

3 **(B) SALARIES OF THE OMBUDSMAN AND ASSISTANT OMBUDSMEN AND**
4 **EXPENSES FOR RENT, EQUIPMENT, SUPPLIES, AND GENERAL OPERATING EXPENSES**
5 **NECESSARY FOR THE WORK OF THE OFFICE SHALL BE AS PROVIDED IN THE STATE**
6 **BUDGET.**

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

9 **(D) IF THE BUDGET FOR THE OFFICE IS INSUFFICIENT TO ALLOW THE**
10 **OFFICE TO PERFORM THE DUTIES OF THE OFFICE, THE OMBUDSMAN MAY APPLY TO**
11 **THE BOARD OF PUBLIC WORKS FOR ADDITIONAL MONEY FROM THE GENERAL**
12 **EMERGENCY FUND.**

13 **6-5A-06.**

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

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

20 **(1) ASSISTANT OMBUDSMEN;**

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

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

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

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

1 (I) REVIEW THE PROPOSED CHANGES; AND

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

5 (3) FAILURE OF THE SECRETARY TO RESPOND IN A TIMELY MANNER
6 MAY NOT BE CONSIDERED A STATEMENT OF ADVERSE EFFECT UNDER PARAGRAPH
7 (2)(II) OF THIS SUBSECTION.

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

13 6-5A-07.

14 THE OFFICE SHALL:

15 (1) IDENTIFY, RECEIVE, INVESTIGATE, AND SEEK THE RESOLUTION
16 OR REFERRAL OF COMPLAINTS MADE BY OR ON BEHALF OF A CHILD INVOLVED IN
17 CHILD IN NEED OF ASSISTANCE CASES CONCERNING ANY ACT, OMISSION, PRACTICE,
18 POLICY, OR PROCEDURE OF A STATE OR LOCAL AGENCY OR ANY PERSON WORKING
19 ON BEHALF OF THE AGENCY THAT MAY ADVERSELY AFFECT THE HEALTH, SAFETY,
20 OR WELFARE OF THE CHILD;

21 (2) INSPECT AND REVIEW THE OPERATION, POLICIES, AND
22 PROCEDURES OF FOSTER CARE HOMES, GROUP HOMES, KINSHIP CARE HOMES,
23 RESIDENTIAL TREATMENT FACILITIES, SHELTERS FOR THE CARE OF ABUSED OR
24 NEGLECTED CHILDREN, AND INDEPENDENT LIVING ARRANGEMENTS OPERATED,
25 LICENSED, OR APPROVED FOR PAYMENT BY THE DEPARTMENT OR A LOCAL
26 DEPARTMENT OR USED BY THE DEPARTMENT OR BY A LOCAL DEPARTMENT FOR THE
27 CARE OF CHILDREN IN ITS CUSTODY;

28 (3) REVIEW, EVALUATE, REPORT, AND MAKE RECOMMENDATIONS TO
29 A STATE OR LOCAL AGENCY CONCERNING PROCEDURES ESTABLISHED BY THE
30 AGENCY TO PROVIDE SERVICES TO CHILDREN AND FAMILIES THAT ARE AT RISK OF
31 ABUSE OR NEGLECT, CHILDREN IN STATE OR INSTITUTIONAL CUSTODY, OR
32 CHILDREN AND FAMILIES WHO RECEIVE CHILD PROTECTIVE KINSHIP CARE OR
33 FOSTER CARE SERVICES;

1 **(4) RECEIVE, INVESTIGATE, AND MAKE REFERRALS TO OTHER STATE**
2 **OR LOCAL AGENCIES, OR TAKE OTHER APPROPRIATE ACTIONS WITH RESPECT TO A**
3 **COMPLAINT RECEIVED BY THE OFFICE REGARDING THE ACTIONS OF THE**
4 **DEPARTMENT OR A LOCAL DEPARTMENT OR A STATE-FUNDED PRIVATE ENTITY**
5 **THAT PROVIDES SERVICES TO CHILDREN AND FAMILIES WHO ARE AT RISK OF ABUSE**
6 **OR NEGLECT, CHILDREN IN STATE OR INSTITUTIONAL CUSTODY, OR CHILDREN AND**
7 **FAMILIES WHO RECEIVE CHILD PROTECTIVE, KINSHIP CARE, OR FOSTER CARE**
8 **SERVICES;**

9 **(5) ESTABLISH AND MAINTAIN A 24-HOUR TOLL-FREE TELEPHONE**
10 **HELPLINE AND WEBSITE TO RECEIVE AND RESPOND TO CALLS FROM INDIVIDUALS**
11 **REGARDING THE WELFARE OF CHILDREN UNDER THE JURISDICTION OF THE**
12 **DEPARTMENT OR A LOCAL DEPARTMENT;**

13 **(6) CONDUCT UNANNOUNCED SITE VISITS AT REASONABLE TIMES**
14 **AND IN A REASONABLE MANNER TO ANY INSTITUTION OR FACILITY TO WHICH**
15 **CHILDREN ARE COMMITTED OR PLACED, IF:**

16 **(I) THE OMBUDSMAN, BEFORE CONDUCTING AN**
17 **UNANNOUNCED SITE VISIT, HAS INITIATED AN INVESTIGATION INTO THE RESPONSE**
18 **OR DISPOSITION OF AN ALLEGATION OF ABUSE OR NEGLECT AT THE INSTITUTION**
19 **OR FACILITY; AND**

20 **(II) THERE IS A REASONABLE BASIS TO BELIEVE THAT AN**
21 **UNANNOUNCED SITE VISIT IS NECESSARY TO CARRY OUT THE OMBUDSMAN'S**
22 **RESPONSIBILITIES UNDER THIS SUBTITLE;**

23 **(7) CONSULT WITH ANY APPROPRIATE STATE OR COUNTY AGENCY OR**
24 **STATE-FUNDED PRIVATE ENTITY PROVIDING CHILD WELFARE SERVICES TO**
25 **CHILDREN, AND MAY REQUEST FROM ANY SUCH ENTITY, WHICH IS HEREBY**
26 **AUTHORIZED AND DIRECTED TO PROVIDE, SUCH COOPERATION AND ASSISTANCE AS**
27 **WILL ENABLE THE CHILD ADVOCATE TO PROPERLY PERFORM ITS RESPONSIBILITIES**
28 **UNDER THIS SECTION; AND**

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

33 **6-5A-08.**

34 **(A) THE OMBUDSMAN MAY:**

1 **(1) REVIEW AND COPY RELEVANT LAWS, POLICIES, PROCEDURES,**
2 **AND DEPARTMENT AND LOCAL DEPARTMENT RECORDS AND REPORTS, INCLUDING**
3 **RECORDS RELATING TO AN INDIVIDUAL CHILD;**

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

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

7 **(4) ADMINISTER OATHS TO WITNESSES IN ANY MATTER UNDER**
8 **INVESTIGATION IN THE OFFICE; AND**

9 **(5) IF THE OMBUDSMAN CONSIDERS THAT LEGISLATION WOULD**
10 **AFFECT THE INTERESTS OF PERSONS UNDER ITS JURISDICTION, RECOMMEND THE**
11 **LEGISLATION TO THE GENERAL ASSEMBLY.**

12 **(B) (1) IF A PERSON TO WHOM A SUBPOENA IS ISSUED UNDER**
13 **SUBSECTION (A)(3) OF THIS SECTION FAILS TO APPEAR OR, HAVING APPEARED,**
14 **REFUSES TO GIVE TESTIMONY, OR FAILS TO PRODUCE THE BOOKS, PAPERS, OR**
15 **OTHER DOCUMENTS REQUIRED, THE OMBUDSMAN MAY APPLY TO THE**
16 **APPROPRIATE CIRCUIT COURT FOR RELIEF.**

17 **(2) THE APPROPRIATE COURT MAY ORDER THE PERSON TO APPEAR**
18 **AND GIVE TESTIMONY OR PRODUCE THE BOOKS, PAPERS, OR OTHER DOCUMENTS,**
19 **AS APPLICABLE.**

20 **6-5A-09.**

21 **(A) A CHILD WHO IS A RECIPIENT OF THE SERVICES OF THE DEPARTMENT**
22 **OR A LOCAL DEPARTMENT OR A CHILD IDENTIFIED AS A CHILD IN NEED OF**
23 **ASSISTANCE UNDER TITLE 3, SUBTITLE 8 OF THE COURTS ARTICLE MAY FILE A**
24 **COMPLAINT WITH THE OMBUDSMAN:**

25 **(1) BY CALLING THE OMBUDSMAN'S 24-HOUR TOLL-FREE HELPLINE;**

26 **(2) BY FILING THE COMPLAINT ELECTRONICALLY WITH THE OFFICE;**

27 **(3) BY MEETING IN PERSON WITH STAFF FROM THE OFFICE;**

28 **(4) THROUGH AN ADULT REPRESENTING THE CHILD'S INTERESTS; OR**

29 **(5) BY ANY OTHER REASONABLE MEANS ESTABLISHED BY THE**
30 **OMBUDSMAN.**

1 **(B) THE COMPLAINT PROCESS SHALL BE CONFIDENTIAL, EXPEDIENT, AND**
2 **RESPONSIVE TO THE CHILD'S PERCEPTION OF SAFETY ISSUES AND THE CHILD'S**
3 **EMOTIONAL NEEDS.**

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

6 **(D) FOR A CHILD WITH SAFETY CONCERNS ABOUT THE CHILD'S**
7 **OUT-OF-HOME PLACEMENT, THE CHILD'S SAFETY MUST BE PARAMOUNT SO THAT**
8 **THE CHILD FEELS COMFORTABLE REPORTING COMPLAINTS AND FEELS SAFE**
9 **PENDING THE OUTCOME OF ANY INVESTIGATION.**

10 **(E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LOCAL**
11 **DEPARTMENT SHALL INCLUDE, IN DEVELOPMENTALLY APPROPRIATE LANGUAGE,**
12 **INFORMATION IN EACH CHILD'S RECORD ABOUT THE COMPLAINT PROCEDURE.**

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

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

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

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

18 **(IV) THE RESPONSE TIMES ESTABLISHED UNDER SUBSECTION**
19 **(C) OF THIS SECTION;**

20 **(V) POTENTIAL RESOLUTIONS BASED ON THE TYPE OF**
21 **COMPLAINTS;**

22 **(VI) HOW THE CHILD'S SAFETY WILL BE PROTECTED DURING**
23 **THE INVESTIGATION OF THE COMPLAINT;**

24 **(VII) AN EXPLANATION OF THE CHILD'S RIGHTS AS OUTLINED IN**
25 **ANY DEPARTMENT HANDBOOK FOR CHILDREN IN FOSTER CARE; AND**

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

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

28 **(I) AT THE CHILD'S INITIAL COURT HEARING;**

1 (II) BEFORE ANY SUBSEQUENT COURT HEARINGS; AND

2 (III) BEFORE EVERY NEW PLACEMENT.

3 (F) THE OFFICE SHALL PROVIDE TRAINING ON COMPLAINT POLICIES AND
4 PROCEDURES TO ALL LOCAL DEPARTMENT CASEWORKERS, ATTORNEYS FOR
5 CHILDREN, OUT-OF-HOME PLACEMENT PROVIDERS, COURT-APPOINTED SPECIAL
6 ADVOCATES, JUDICIAL OFFICERS, AND OTHER PROFESSIONALS WORKING WITH
7 CHILDREN THROUGH THEIR CHILD IN NEED OF ASSISTANCE CASES AS PART OF
8 THEIR EMPLOYMENT ORIENTATION AND CONTINUING PROFESSIONAL
9 DEVELOPMENT.

10 (G) (1) ON CONCLUSION OF AN INVESTIGATION UNDER THIS SECTION,
11 THE OFFICE SHALL INFORM THE CHILD, IN A DEVELOPMENTALLY APPROPRIATE
12 MANNER, OF THE OUTCOME OF THE INVESTIGATION.

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

16 (H) (1) EXCEPT AS PROVIDED UNDER PARAGRAPH (2) OF THIS
17 SUBSECTION, THE OMBUDSMAN SHALL TREAT ALL COMPLAINTS RECEIVED UNDER
18 SUBSECTION (A) OF THIS SECTION AS CONFIDENTIAL, INCLUDING THE IDENTITIES
19 OF COMPLAINANTS AND INDIVIDUALS FROM WHOM INFORMATION IS ACQUIRED.

20 (2) THE OMBUDSMAN MAY DISCLOSE INFORMATION AS NECESSARY
21 TO ENABLE THE OMBUDSMAN TO PERFORM THE OMBUDSMAN'S DUTIES AND TO
22 SUPPORT ANY RECOMMENDATIONS RESULTING FROM AN INVESTIGATION.

23 (I) RECORDS RELATING TO COMPLAINTS RECEIVED BY THE OFFICE AND
24 THE INVESTIGATION OF COMPLAINTS ARE EXEMPT FROM DISCLOSURE UNDER THE
25 PUBLIC INFORMATION ACT.

26 6-5A-10.

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

29 (1) KNOWLEDGE OF ANY SYSTEMIC OR LIFE-THREATENING
30 PROBLEMS AND ANY FINDINGS, ACTIONS, AND RECOMMENDATIONS RELATING TO
31 INVESTIGATIONS REGARDING THE CARE, SUPERVISION, AND TREATMENT OF:

1 (I) CHILDREN AND FAMILIES WHO ARE AT RISK OF ABUSE OR
2 NEGLECT;

3 (II) CHILDREN IN DEPARTMENT OR LOCAL DEPARTMENT
4 CUSTODY; OR

5 (III) CHILDREN AND FAMILIES WHO RECEIVE CHILD
6 PROTECTIVE KINSHIP CARE OR FOSTER CARE SERVICES; AND

7 (2) ALL OTHER FINDINGS, ACTIONS, AND RECOMMENDATIONS
8 RELATED TO THE ACTIVITIES REQUIRED UNDER THIS SUBTITLE.

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

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

14 (3) THE REPORT SHALL INCLUDE:

15 (I) ALL ACTIVITIES OF THE OFFICE;

16 (II) ALL COMPLAINTS MADE TO THE OFFICE INCLUDING:

17 1. THE JURISDICTION WHERE THE INCIDENT
18 OCCURRED;

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

21 3. THE NATURE OF THE COMPLAINT;

22 4. THE DISPOSITION OF THE COMPLAINT;

23 5. WHAT, IF ANY, FOLLOW-UP ACTION THE OFFICE TOOK
24 AND WHY;

25 6. THE CHILD'S PLACEMENT; AND

26 7. DEMOGRAPHIC INFORMATION ABOUT THE CHILD
27 INCLUDING AGE, GENDER IDENTITY, RACE, AND ETHNICITY;

1 **(III) ACTIONS TAKEN BY THE DEPARTMENT OR A LOCAL**
2 **DEPARTMENT RESULTING FROM THE FINDINGS AND RECOMMENDATIONS OF THE**
3 **OFFICE, INCLUDING THE RESPONSE BY THE DEPARTMENT OR LOCAL DEPARTMENT;**
4 **AND**

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

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

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

17 **6-5A-11.**

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

19 **(1) DISCRIMINATE OR RETALIATE IN ANY MANNER AGAINST ANY**
20 **PERSON FOR:**

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

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

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

26 **(B) A PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION IS GUILTY**
27 **OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING**
28 **\$5,000 OR IMPRISONMENT NOT EXCEEDING 5 YEARS OR BOTH.**

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