

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 890
Judiciary

(Delegate Crutchfield, *et al.*)

Family Law - Child Abuse and Neglect Investigations ("Know Before They
Knock" Family Right to Notice Act)

This bill requires a local department of social services or law enforcement agency to provide oral and written notice of specified rights (and potential consequences of exercising such rights) to a parent or legal guardian at the time of initial contact during an investigation of child abuse or neglect. The bill also (1) specifies the applicable rights; (2) establishes requirements for the delivery and acknowledgement of the notice of rights; and (3) requires the Department of Human Services (DHS) to develop a system to document proof of notice. Finally, the bill replaces various references to the child's *caretaker* with the child's *parent or legal guardian*.

Fiscal Summary

State Effect: General fund expenditures for DHS increase beginning in FY 2027, *potentially* significantly, for additional staff to handle an anticipated increase in Child in Need of Assistance (CINA) cases, as discussed below. Revenues are not materially affected.

Local Effect: Any potential expenditures for local law enforcement agencies to implement the bill's requirements are assumed to be minimal, with no material impact on local finances. Revenues are not materially affected.

Small Business Effect: None.

Analysis

Bill Summary: Among other things, a parent or legal guardian must be notified of the following:

- the parent or legal guardian is not required to allow the employee of DHS or the local department to enter the residence of the parent or legal guardian, unless the entry is ordered by a court or is authorized by § 5-709 of the Family Law Article;
- the parent or legal guardian is entitled to be informed of all the allegations being assessed or investigated;
- the parent or legal guardian is not required to speak with the employee of DHS or the local department without an opportunity to consult an attorney and may have an attorney review any documents before agreeing to sign;
- the parent or legal guardian is not required to allow the employee of DHS or the local department to interview or examine a child, unless the interview or examination is ordered by a court or otherwise required by statute, as specified;
- any statement made by the parent, legal guardian, or other family member or occupant of the home may be used against the parent or legal guardian in an administrative or court proceeding; and
- the exercise of any of the rights described in the bill, including refusing to speak with the employee of DHS or the local department or denying entry into the home, may have serious consequences, which may include the employee filing a petition for the removal of the child from the home of the parent or legal guardian.

The notice must be written in a clear, simple manner and in a language the parent or legal guardian understands. If the parent or legal guardian is unable to read, or on request, the investigator must read the notice to the parent or legal guardian.

Current Law:

Child Abuse and Neglect Investigations – Generally

Generally, after receiving a report of suspected abuse or neglect of a child who lives in Maryland that is alleged to have occurred in the State, the local department of social services and/or the appropriate law enforcement agency must promptly and thoroughly investigate the report to protect the health, safety, and welfare of the child or children. Within 24 hours after receiving a report of suspected physical or sexual child abuse, and within five days after receiving a report of suspected child neglect or mental injury, the local department or law enforcement agency must (1) see the child; (2) attempt to have an on-site interview with the child's caretaker; (3) decide on the safety of the child and of other children in the household; and (4) decide on the safety of the other children in the

care or custody of the alleged abuser. The determinations and assessments that are required during an abuse or neglect investigation are specified in statute. The local State's Attorney must assist in the investigations if requested to do so by a local department of social services.

Generally, the local departments, appropriate law enforcement agencies, the State's Attorneys in the counties and Baltimore City, and other specified entities must enter into a written agreement pertaining to standard operating procedures for investigations of suspected abuse or neglect (and the prosecution of reported cases). Additional requirements are also specified for joint investigation procedures regarding suspected child sexual abuse. To the extent possible, a child abuse or neglect investigation must be completed within 10 days after receiving the notice of the suspected abuse or neglect. An investigation that is not completed within 30 days must be completed within 60 days of receipt of the first notice of the suspected abuse or neglect.

Within five business days after the investigation is completed, the local department and the law enforcement agency, if the law enforcement agency participated in the investigation, must make a complete written report of findings to the local State's Attorney.

Reports of child abuse and neglect may also be referred for an alternative response in specified circumstances. An "alternative response" means a component of the child protective services (CPS) program that provides for a comprehensive assessment of (1) risk of harm to the child; (2) risk of subsequent child abuse or neglect; (3) family strengths and needs; and (4) the provision of or referral for necessary services. An alternative response does not include an investigation or a formal determination as to whether child abuse or neglect has occurred. Only a low-risk report of abuse or neglect may be considered for an alternative response. Statutory provisions also set forth procedures for an alternative response, including timeframes by which assessments and written reports must be completed.

Family Law Article § 5-709 – Exception for Law Enforcement Entering Households

If a representative of a local department is conducting an investigation of child maltreatment, the representative may enter the household if the representative previously has been denied the right of entry *and* has probable cause to believe the child is in serious, immediate danger. A police officer must accompany the representative and may use reasonable force to gain entry to the household, if necessary. The representative may temporarily remove the child from the home, without prior approval from the juvenile court, on a belief that the child is in serious, immediate danger. A removed child must be thoroughly examined by a physician, and a report of the examination must be included in the representative's report, as specified.

State Expenditures: DHS advises that while the bill does not grant new rights for caretakers, it requires DHS to frame preexisting rights in a manner resembling Miranda rights. It estimates, as a result, more families will be less inclined to cooperate with DHS in investigations of child maltreatment.

Although DHS acknowledges that the bill does not result in an increase in overall investigations, it anticipates a significant increase in *court-involved* investigations and subsequent CINA petitions. DHS bases its estimate on a study of Miranda rights, wherein 20% of respondents invoked their right to counsel. Applying a similar 20% rate to 19,482 total CPS responses in fiscal 2025, DHS anticipates 3,896 families will exercise their right to consult an attorney or refuse entry, thus initiating a court-involved investigation. This represents a significant increase from a reported 951 cases that resulted in a formal CINA filing in fiscal 2025. Because DHS is still mandated to see the child and assess safety within 24 hours, there will be an immediate shift to a court-involved process in order to maintain investigation timeline standards.

DHS also notes that in cases in which the parents voluntarily cooperate with CPS, it can follow an alternative response model, averaging approximately 40.1 days to conduct and complete the formal safety assessments. Comparatively, the investigative response track, resulting from a formal investigation, averages approximately 48.2 days to conduct and complete.

Accordingly, DHS estimates the need for at least 62 personnel (13 caseworkers, 3 supervisors, and 46 attorneys), with associated costs of approximately \$7.9 million in fiscal 2027, which accounts for the bill's October 1, 2026 effective date, and \$9.5 million on an annual basis. The estimate also includes costs associated with printing the required notices, annual staff training, and one-time programming updates.

The Department of Legislative Services, while generally acknowledging that the legislation may result in increased levels of effort in many cases, advises that without experience under the bill, it is unable to independently verify the extent to which additional staff – particularly at the magnitude of that estimated by DHS – are required. *For illustrative purposes only*, expenditures associated with adding one attorney and one caseworker in each of the six largest jurisdictions are approximately \$1.5 million annually.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 223 of 2025 and HB 644 of 2024.

Designated Cross File: SB 650 (Senator Henson) - Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Human Services; Department of Legislative Services

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