Department of Legislative Services

Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1258 (Delegate Smith)
Judiciary

Child Placement Services - Advertising by Unlicensed Person - Prohibition

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This bill prohibits a person from advertising adoption services in the State unless the person is a local department of social services or a child placement agency licensed by the Social Services Administration (SSA). The prohibition includes advertisements that originate in and outside the State and target State residents directly and indirectly through general distribution. SSA may (1) investigate alleged violations; (2) issue a cease and desist order to a person that SSA believes to be in violation; and (3) notify the Attorney General if there is reason to believe that a person has committed a violation. On receiving notice from SSA of a violation, the Attorney General may bring an action for relief in a court of competent jurisdiction, including an action seeking a civil penalty of $10,000 for each violation and any other damages authorized by law.

Fiscal Summary

State Effect: It is assumed that the Department of Human Services (DHS) and the Office of the Attorney General (OAG) can implement the bill using existing resources, as discussed below. Potential minimal increase in general fund revenues from the civil penalty.

Local Effect: The bill is not anticipated to materially affect local government finances or operations.

Small Business Effect: None.

Analysis

Current Law: DHS, through SSA, has the primary responsibility for child welfare services throughout the State, which are provided primarily by the local departments of

social services. These services support the healthy development of families, assist families and children in need, and protect abused and neglected children. Programs include foster care, family preservation, adoption, child protective services, and family reunification.

Except as otherwise provided, a person must be licensed by SSA as a child placement agency before the person may engage in the placement of minor children in homes or with individuals. A license is not required (1) for a person to place a child with an individual related to the child by blood or marriage within four degrees of consanguinity or affinity under civil law rule; (2) except as otherwise provided, for a parent or grandparent of a child to place the child directly, without the intervention of any other person except the recipient of the child; or (3) for a lawyer to prepare pleadings necessary to accomplish the adoption of a child or to perform any other function associated with the normal practice of law.

Regulations require that to provide private adoption services, an agency must be licensed as a child placement agency by SSA and have a written service plan, as specified. An agency or individual must satisfy these requirements in order to (1) advertise adoption services through the media; (2) conduct public meetings for the purpose of soliciting potential clients; or (3) recruit in any other way potential adoptive parents or locate children for adoption in Maryland.

State Expenditures:

Department of Human Services

This analysis assumes that DHS can use existing budgeted resources to investigate alleged violations of the bill that are made known to the department. If, however, SSA elects to take a more proactive approach of investigating potential violations, such efforts are likely not absorbable and additional expenditures are incurred.

Office of the Attorney General

OAG did not respond to a request for information on the fiscal and operational impact of the bill. It is assumed that any civil actions OAG elects to bring based on potential referrals from SSA can be handled using existing budgeted resources.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

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

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