



**STATEWIDE  
ADVOCACY SUPPORT UNIT**

**Cornelia Bright Gordon, Esq.**  
Director of Advocacy  
for Administrative Law  
(410) 951-7728  
cbgordon@mdlalab.org

**Gregory Countess, Esq.**  
Director of Advocacy  
for Housing & Community  
Economic Development  
(410) 951-7687  
gcountess@mdlalab.org

**Anthony H. Davis, II, Esq.**  
Director of Advocacy  
for Consumer Law  
(410) 951-7703  
adavis@mdlalab.org

**Erica I. LeMon, Esq.**  
Director of Advocacy  
for Children's Rights  
(410) 951-7648  
elemon@mdlalab.org

February 11, 2022

The Honorable Maggie McIntosh  
Chair of the Appropriations Committee  
House Office Building, Room 121  
Annapolis, Maryland 21401

**RE: Maryland Legal Aid's Written Testimony in Support of HB 406 –  
Children in Out-of-Home Placements- Placements in Medical  
Facilities**

Dear Chairperson McIntosh and Committee Members:

Thank you for the opportunity to present testimony in support of HB 406, a bill that seeks to relieve children in foster care of the pain, frustration, and trauma of calling a hospital their home. Maryland Legal Aid (MLA) is a private, non-profit law firm that provides free legal services to indigent Maryland residents. From 12 offices around the state, MLA helps individuals and families in every Maryland county with many civil legal issues, including housing, consumer, public benefits, and family law matters. MLA also represents abused and neglected children and provides legal assistance to senior citizens and nursing home residents. This letter serves as notice that Amy Petkovsek, Esq. will testify on behalf of Maryland Legal Aid at the request of Delegate Kirill Reznik.

Medical hospitals and psychiatric facilities are safe places to heal from physical and mental health conditions. They are not, and should not be repurposed as, housing units for children in foster care whom the state has run out of placement options for. A lack of appropriate placements for foster youth in Maryland was an emerging crisis pre-pandemic, which has now been exacerbated by the closure of congregate care homes across the state and a decrease in open foster home beds. HB 406 would take a significant step forward in addressing this escalating situation by setting clear guidelines for when a youth in foster care can

**EXECUTIVE STAFF**

**Wilhelm H. Joseph, Jr., Esq.**  
Executive Director

**Stuart O. Simms, Esq.**  
Chief Counsel

**Gustava E. Taler, Esq.**  
Chief Operating Officer

Administrative Offices  
500 East Lexington Street  
Baltimore, MD 21202  
(410) 951-7777  
(800) 999-8904  
(410) 951-7778 (Fax)

www.mdlalab.org  
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remain placed in a hospital setting, and also by establishing a support fund and task force to remedy the continued practice of placing children in medical and psychiatric facilities.

Currently, MLA represents dozens of youth across Maryland who are medically and psychiatrically cleared for discharge but live in hospital facilities due to a lack of appropriate placement options. One youth refers to the rotation of hospital nurses as "his new family." Another hospital became frustrated with the lack of movement on any other placement, needed the bed free, and dropped MLA's client off at a homeless shelter. Yet another youth sits at a facility with no television, no opportunity to attend appropriate schooling, and no access to activities outside the four white walls of her room- not because of any psychiatric or behavioral need, but because there is no place for her to go. Even worse- she knows that. Beyond having a hospital turn into a de facto home, these children are given the clear message- no one wants you, there is no place for you. This is traumatic, inappropriate, and cruel. And in Maryland, it is becoming the new normal, rather than the exception.

Opponents of HB 406 may contend that removing extended and needless hospital stays as a placement option will increase the placement of foster children in motel settings. It is true that in 2021 and continuing in 2022, many local Departments of Social Services are so placement resource-strapped that they are placing children in local motels, with a support worker checking in on them. Just last month, a 14-year-old MLA client placed in a motel took too much of his prescribed medication and was then thrust into a potentially life-threatening situation. Motels are not a safe, appropriate, or kind place to house a youth in care. And neither is a hospital. Maryland needs to do better, and soon. HB 406 takes steps in that direction.

MLA appreciates the opportunity to provide testimony and urges this committee to dedicate the funds needed to give foster care residents a safe, appropriate place to live by giving HB 406 a favorable report.

Sincerely,

/s/ Amy Petkovsek

Amy Petkovsek, Esq.  
Deputy Chief Counsel  
Maryland Legal Aid  
[apetkovsek@mdlalab.org](mailto:apetkovsek@mdlalab.org)  
(410) 951-7813