

**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Joseph M. Getty  
Chief Judge

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** Senate Budget and Taxation Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq. (410-260-1523)  
**RE:** House Bill 406  
Children in Out-of-Home Placements – Placement in Medical  
Facilities  
**DATE:** March 23, 2022  
(3/30)  
**POSITION:** Oppose

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The Maryland Judiciary continues to oppose House Bill 406 as amended.

The Judiciary remains opposed to provisions of the bill that pertain to the administrative law judge (ALJ) which were not amended. The bill states that the court may not commit a child for inpatient psychiatric care if an ALJ has made a determination that the child does not require such treatment. This limits the court's discretion and authority and prevents the court from effectively making a decision that is in the best interest of the child.

The bill also mandates that the findings of an administrative law judge are admissible as evidence in a hearing under this subtitle. Because the Department is not permitted to have a representative attend the hearings before the ALJ, admitting the findings as evidence limits the court's ability to hold a full evidentiary hearing and raises concerns of *ex parte* communications.

cc. Hon. Kirill Reznik  
Judicial Council  
Legislative Committee  
Kelley O'Connor