

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Joseph M. Getty
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 1155
Foster Parents, Kinship Parents, Preadoptive Parents, and
Caregivers – Right to Intervene
DATE: February 23, 2022
(3/10)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 1155. This bill would give all foster parents, kinship parents, preadoptive parents, and caregivers the right to intervene as a party in any child abuse or neglect, termination of parental rights, or adoption proceeding. Caregivers with whom the child has been living for at least 12 months shall be designated as a party upon request, whereas caregivers with whom the child has been living for less than 12 months may, at the discretion of the court, be granted party status.

The Judiciary supports the intention and substance of the bill, and notes that House Bill 1155 addresses some of the concerns the Judiciary has raised on previous versions. However, the Judiciary remains concerned with the proposed change to Courts and Judicial Proceedings § 3-816.3(b), which would make the court jointly responsible for giving at least 10 days' notice to all foster parents, kinship parents, preadoptive parents, and caregivers. As noted in opposition to House Bill 369 in 2020 and HB 893 in 2021, this is an impractical burden to lay on the courts, as it is the local department, not the court, who possesses that information. Currently, the statute requires the local department to make that notification. The child's caregivers may change frequently, and the court does not maintain those addresses or contact information. It would not be feasible for the court to provide written notice to every caregiver for every hearing.

In addition, the bill does not address the termination of party status. Under this bill, foster parents could obtain party status and remain a party to the case even if the child is moved to another placement.

cc. Hon. Susan McComas
Judicial Council
Legislative Committee
Kelley O'Connor