

Date: March 10, 2022

Bill number: HB 1293

Committee: Judiciary

Bill title: **Driver's Licenses - Suspension For Child Support Arrearages - Exception**

DHS Position: **Letter of Information**

The Department of Human Services (the Department) respectfully submits this letter of concern regarding House Bill 1155 (HB 1155). HB 1155 would provide foster parents, kinship parents, pre adoptive parents, and caregivers the right to intervene in abuse and neglect, termination of parental rights, and adoption court proceedings, and become party to the case. We are extraordinarily grateful for the families who are willing to open their hearts and homes for vulnerable children in the Department's care. It takes a very special person to be a foster parent, and the Department is committed to supporting foster and kinship parents however we can. However, we believe this bill is duplicative, insofar as foster parents currently have all the rights that are outlined in the bill, without the need to have legal standing in a child welfare case. We are also concerned that by allowing foster parents to be party to a child welfare proceeding, we are inadvertently moving our focus away from what is in the best interest of the child.

Under current law, a foster parent retains the right to be heard at the child welfare proceedings, and may request to be named as a party. The Local Department of Social Services (LDSS) is required to provide notice of the date of the hearing to foster parents. The right to be notified of the proceeding and to petition the court to be heard in a case has been in effect since The Adoption Assistance and Child Welfare Act of 1980. Under current Maryland law, the court may exercise judicial discretion to allow foster parents to intervene. Currently, foster parents may offer testimony to the court, and they have access to all pertinent information regarding the child's needs, case history, and placement. House Bill 1155 would remove the court's discretion to determine whether it is appropriate for a foster parent to intervene in these proceedings, while offering nothing additional in terms of the rights offered to foster parents under current law. Under this bill, the court's authority to consider the following important factors would be removed: (1) whether the foster parents' participation will enhance the knowledge and judgment of the court in making best-interest and safety determinations; (2) whether intervention is necessary to elicit or will hinder full and accurate information pertaining to the welfare of the child; (3) the reason foster parents are seeking to intervene; (4) whether the foster parent will have a long-term relationship with child ; and (5) whether the foster parents' perspective is adequately represented by any of the litigants or a Court-Appointed Special Advocate ("CASA"). The bill takes away the court's authority to determine and the parents', child's, and local department's ability to challenge whether intervention and party-status will serve the needs and best interest of the child.

The Department is concerned that this bill may inadvertently create more complexity in already complex cases. Allowing foster parents to become party to a child welfare proceeding, may create a conflict in reunification cases, or delay termination of parental rights cases (TPR). The Department believes the child's best interest is the single most important consideration in a child welfare proceeding, and they should be encouraged to advocate for themselves. Often, the child is permitted to provide input as to how content and comfortable they are in their current foster care placement. It is critical that the child feels they can speak



freely about their current placement, or express the desire for a new placement. Allowing the foster parent to be party to the case could deter the child from being forthright about their satisfaction with their placement. Additionally, in removing the court's discretion to determine whether an individual with whom the child has lived for a year can intervene as a party, the bill prevents the court or the parties from examining any potential motivation behind the individual's request to be a party, and whether this intervention will benefit the child. A foster/kinship provider could be driven to seek party-status by their personal or emotional perspective rather than the child's best interest. This bill may also create a conflict in reunification cases, and once again presents the possibility of a delay in permanency.

The Department respectfully requests that the Committee consider these concerns during deliberations.

