

February 13, 2024

The Honorable Will Smith, Chair
Judicial Proceedings Committee
Miller Senate Office Building, 2 East
Annapolis, Maryland 21401

RE: TESTIMONY ON SB 314 - Juvenile Law - Willful Misconduct of a Minor - Civil Liability of a Parent, Legal Guardian, or Custodian (Parental Accountability Act) - POSITION: UNFAVORABLE

Dear Chair Smith and Members of the Judicial Proceedings Committee:

The Maryland Department of Human Services (DHS) thanks the Committee for the opportunity to provide unfavorable testimony for Senate Bill 314 (SB 314).

With offices in every one of Maryland's jurisdictions, we empower Marylanders to reach their full potential by providing preventative and supportive services, economic assistance, and meaningful connections to workforce development and career opportunities. The Social Services Administration within DHS is responsible for the state's child welfare program which is impacted by SB 314.

SB 314 establishes joint and several civil liability of a parent, guardian or custodian of a minor who commits a willful act of misconduct that results in the death or injury of an individual or damage to property. SB 314 further requires the administrative office of the courts to periodically adjust and publish maximum liability amounts and limit the liability of an insurance provider.

SB 314 financially impacts Marylanders we serve, especially Marylanders receiving financial assistance services through DHS programs, as well as Resource Parents and Kinship Caregivers who provide families for youth in out of home care. The bill would make parents financially responsible for the willful acts of children without regard to a family's ability to pay and without sufficient protection for the family that insurance against liability usually provides. The bill could foreseeably drive families into or further into poverty and negatively impact innocent siblings. The broad language of the bill would also irrationally impute responsibility to foster parents and kinship caregivers who have stepped up for children when families are in crisis.

Imputing liability for children's acts to foster parents and kinship caregivers will predictably reduce the number of family-based out-of-home placements for children because few people will assume the financial risks imposed by the bill. DHS efforts to recruit and retain resource families will be negatively impacted. Efforts required to mitigate the negative impact on recruitment and retention would likely include expensive legal or financial support for foster families, new regulation and administrative processes, and more staff.

We appreciate the opportunity to provide information on SB 314 to the Committee for consideration during your deliberations. We request an unfavorable report. We look forward to the decision of the Committee and welcome continued collaboration on SB 314.



If you require additional information, please contact Rachel Sledge, Director of Government Affairs, at rachel.sledge@maryland.gov.

In service,

A handwritten signature in black ink, appearing to read 'Rafael López', written in a cursive style.

Rafael López
Secretary