
TESTIMONY IN OPPOSITION OF SB 314

Juvenile Law-Willful Misconduct of a Minor - Civil Liability of a Parent, Legal Guardian, or Custodian (Parental Accountability Act)

Judicial Proceedings

February 13, 2024

Social Work Advocates for Social Change strongly opposes SB 314, which will establish joint liability of a minor and their parent, legal guardian, or custodian with custody and control of a minor for any act of willful misconduct of the minor that results in the injury or death of another or damage to the property of another. **This joint liability will negatively influence foster parent recruitment and retention, and disproportionately affect youth and caretakers of youth with developmental disabilities.**

SB 314 will discourage people from becoming foster parents due to liability issues of children who they do not even know yet. More than one in five children in Maryland has an emotional, behavioral, or developmental problem.¹ These behavior problems can be attributed to the ACEs (Adverse Childhood Experience) that foster children face at a higher rate than non-foster care children.² These adverse and traumatic experiences were *not* caused by foster parents. SB 314 may well lead to punishing good citizens in our society who have an honest desire to help thousands of foster care children who need homes.

SB 314 will perpetuate the myth that foster care children are troubled and damaged.³ This bill will not only perpetuate this myth, but it will give the myth validation, for it prepares a mechanism by which future foster parents can be held to account for the actions of their foster children. We should be building an infrastructure to support young people, the second chances they need, and their foster parents.

SB 314 will put children with special needs and their caregivers – including foster parents – at particular risk. According to current and former Maryland foster parents, behavior was the main reason why foster parents asked for a child to be removed from their home. Over the last few years, time and emotional requirements have increased substantially in order to support the

¹Annie E. Casey Foundation. (n.d.). Children Who Have One or More Emotional, Behavioral, or Developmental Conditions in the United States. <https://datacenter.aecf.org/data/tables/10668-children-who-have-one-or-more-emotional-behavioral-or-developmental-conditions?loc=1&loct=2#detailed/2/2-52/false/2043,1769,1696,1648/any/20457,20456>

² Kiley W. Liming, Becci Akin, Jody Brook; Adverse Childhood Experiences and Foster Care Placement Stability. *Pediatrics* December 2021; 148 (6): e2021052700. 10.1542/peds.2021-052700

³ Foster VA. (n.d.). 10 Common Myths about Foster Care and Adoption: Debunked. <https://www.fosterva.org/blog/10-common-myths-about-foster-care-and-adoption-debunked>

behavioral needs of youth in foster care. Foster parents are already feeling as though “the requirements to foster [are] now a 24-hour job and the children are coming with more severe untreated mental health issues making it more difficult to foster.”⁴ In Treatment Foster Care, specifically, all youth have specialized medical or behavioral needs and often present with developmental disabilities. Approximately 10-15% of people with developmental disabilities exhibit challenging behavior which often manifests as “non-compliance, self-injury, harming of others, tantrums, crying, and damaging of property”⁵. SB 314 will put all caregivers (biological/foster parents, guardians and legal custodians) of minors with developmental disabilities at greater risk of punishment for behaviors that are often outside of the child's control or level of understanding. In addition, it will dissuade potential foster parents, specifically highly needed treatment foster parents, due to the fact that it is statistically proven that those with developmental disabilities are likely to display destructive behaviors.

Social Work Advocates for Social Change urges an unfavorable report on SB 314.

Social Work Advocates for Social Change is a coalition of MSW students at the University of Maryland School of Social Work that seeks to promote equity and justice through public policy, and to engage the communities impacted by public policy in the policymaking process.

⁴ Findings from the *Maryland Foster and Adoptive Parent Survey [unpublished manuscript]* (2023). University of Maryland School of Social Work & The Maryland Resource Parent Association.

⁵ Kim D. (2023). Latent Class Analysis on Types of Challenging Behavior in Persons with Developmental Disabilities: Focusing on Factors Affecting the Types of Challenging Behavior. *Behavioral sciences (Basel, Switzerland)*, 13(11), 879. <https://doi.org/10.3390/bs13110879>
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10669221/#:~:text=Challenging%20behavior%20is%20a%20common,mild%2C%20short%20lived%20behavior%20to>