

Support HB 833

Children in Need of Assistance – Parents in Substance Use Disorder Treatment
Testimony of Shanta Trivedi, Esq.
Tuesday, February 13, 2024
House Judiciary Committee

Delegate Clippinger, Vice-Chair Bartlett and Members of the Committee:

I am an Assistant Professor at the University of Baltimore School of Law where I teach courses on Family Law and the Child Welfare System and write on child welfare issues, particularly as it affects low-income, minority and otherwise marginalized parents. I have also represented parents in the child welfare system, who were trying to prevent the removal of their children or were fighting to reunify. In addition, I serve as the Faculty Director of the Sayra and Neil Meyerhoff Center for Families, Children, and the Courts (CFCC). CFCC envisions communities where children and families thrive without unnecessary involvement in the legal system. We engage communities in all that we do to work towards transforming systems that create barriers to family well-being. **We urge you to support HB0833.**

This bill establishes a presumption in favor of placing children with their parents undergoing substance use disorder (SUD) treatment, recognizing that such placement is in the best interest of the child. It acknowledges that familial bonds are crucial to child well-being in most cases and creates an exception when an emergency situation prevents the possibility of the child remaining with the parent. Further, it recognizes that parents struggling with addiction who are trying to recover, are presumptively capable of providing proper care and attention to their child. Finally, it requires the agency to report to the court when the parent and child are not able to be placed together and to explain why.

HB0833 reflects a deep understanding that the separation of children from their parents, particularly in the delicate context of SUD recovery, can have profoundly detrimental effects.¹ Particularly for newborns, the postpartum period is critical for bonding and attachment. During this time, the presence of a parent is indispensable for the newborn's emotional and cognitive development². Furthermore, newborns suffering from neonatal abstinence syndrome (NAS) face unique challenges. Contrary to our current approach of separation, research demonstrates that keeping babies with their parents helps newborns to recover faster than they do when treated pharmacologically.³ Thus HB0833 champions a research-based approach that prioritizes keeping children with their parents in treatment, an approach that is proven to mitigate the adverse impacts of NAS.

HB0833 is also what is best for parents struggling with addiction. Studies show that removing children from parents who suffer from substance use disorder can make it even harder for them to recover. Parents suffer from grief and depression after the removal of their children which may lead them to turn to substances to cope. This makes it difficult for parents to engage in treatment or other recommended services and as a result, reunification can be hindered or even permanently stalled.⁴

¹ See Generally, Shanta Trivedi, *The Harm of Child Removal*, 43 N.Y.U. Rev. L. & Soc. Change 523 (2019).

² Robert Siegel & Joshua Sharfstein, *For Newborns Exposed to Opioids, Health Issues May Be the Least of Their Problems*, NAT'L PUB. RADIO (June 30, 2017, 4:00 PM), <https://www.npr.org/sections/health-shots/2017/06/30/534911289/for-newborns-exposed-to-opioids-health-issues-may-be-the-least-of-their-problems> [https://perma.cc/W9QQ-7BKD].

³ Newman AI, Mauer-Vakil D, Coe H, Newton L, Wilkerson E, McKnight S, Brogly SB. *Rooming-in for Infants at Risk for Neonatal Abstinence Syndrome: Outcomes 5 Years following Its Introduction as the Standard of Care at One Hospital*. 39 Am J Perinatol 897 (2020)

⁴ Kathi L.H. Harp, Carrie B. Oser, *A Longitudinal Analysis of the Impact of Child Custody Loss on Drug Use and Crime Among a Sample of African American Mothers*, 77 Child Abuse & Neglect 1 (2018).

Finally, HB0833 requires the Department of Social Services to be accountable to the court when parents and children are not able to be placed together. This is an important enforcement mechanism that would ensure that the Department make the necessary efforts are made to comply with this law, if passed.

HBB0833 is a data-driven, scientifically-backed response to an ongoing health crisis in our community. Because this bill acknowledges the importance of keeping families together during the challenging journey of SUD treatment, thereby supporting not just the recovery of the individual, but the holistic health of the entire family unit, we urge you to **issue a favorable report on HB833.**