

THE COALITION TO PROTECT MARYLAND'S CHILDREN

Our Mission: To combine and amplify the power of organizations and citizens working together to keep children safe from abuse and neglect.

We strive to secure budgetary and public policy resources to make meaningful and measurable improvements in safety, permanence, and wellbeing.



**Senate Bill 191 – Family Law – Children in Need of Assistance –
Unlicensed Settings
Judicial Proceedings Committee
January 14, 2024**

Position: OPPOSE

The Coalition to Protect Maryland's Children is a consortium of organizations and individuals formed in 1996 who are concerned about the care of Maryland's most vulnerable children and promote meaningful child welfare reform. CPMC urges an unfavorable report on SB0191- Family Law – Child in Need of Assistance – Unlicensed Settings.¹

Senate Bill 191 – Family Law – Child in Need of Assistance – Unlicensed Settings - proposes a pathway for approving unlicensed settings such as hotels and office buildings for the children and youth in our state's custody. Shining a light on what the Maryland Department of Human Services 2024 Annual Progress and Services Report labelled a "placement crisis" is important, but we respectfully object to a solution that sanctions children sleeping in hotels or office buildings.

How have we gotten here? The closing of children's mental hospitals in the 1980s, the subsequent closure of detention centers leaving foster care to take up the slack, and the movement to shutter all group homes and residential treatment programs have created a slow-motion train wreck whose results were predictable. Those results include children and youth staying in psychiatric hospitals long after being ready for discharge, boarding in emergency rooms, and sent to hotels at a cost of \$30,000 to \$60,000 per child per month. A bona fide licensed placement is not only less costly, but includes clinical services, nursing services, RCYCP certified staff, and so on.

The Legislature first recognized this issue in 2019 when HB 1382 - Foster Children in Out-of-Home Placement - Placement in Medical Facilities was introduced by then Del. Lierman. Two years later, then Del. Reznik introduced HB406 – Placement in a Medical Facility. Neither bill proposed a bona fide fix and both failed. In short, the placement crisis isn't one of this current administration's making, but it is theirs to solve. Relying on unlicensed placements such as office buildings and hotels is a symptom of the crisis, not a solution. Moreover this removes the ability of the judiciary to conduct an individualized best interest determination of the child assessment.

Who are the children? Today, foster care entries, especially of older youth, are not because of what we traditionally think of as maltreatment, but parental incapacity or unwillingness to provide care due to unmet behavioral health and/or developmental needs and the child's acutely challenging behavior. The 2024 – 2028 *Child and Family Services Plan (CFSP)* identified behavioral health needs as a factor

¹ Members of CPMC represented by this written testimony include Center for Hope, Court Appointed Special Advocates - MD CASA, Court Appointed Special Advocates - Baltimore County, Maryland Children's Alliance, MD Chapter - American Academy of Pediatrics, MD Coalition Against Sexual Assault, MD Network Against Domestic Violence, National Association of Social Workers - MD Chapter, and State Council on Child Abuse and Neglect.

contributing to entry for 60% percent of the children ages 14-17. Additional factors include abandonment (43%), youth's substance abuse (41%) and child's disability (38%). According to the *GOCCP 2023 Placement and Family Preservations Resource Plan*, "Residential Treatment Centers and other high-level residential programs do not currently offer services to adequately address the ongoing needs of the youth identified as at risk for a hospital overstay or going out-of-state."

Make no mistake. There is much to commend about the work of DHS and the local departments on behalf of vulnerable Maryland families and children. At 1.1% per thousand children, Maryland has among the lowest family separation rates in the country, and the 4th fewest children in care per 100,000 residents under 21.

Moreover, children in Maryland remain safe after child welfare intervention. According to the *GOCCP 2023 Placement and Family Preservation Resource Plan*, 95.3% of children experienced no further maltreatment up to one year after completion of In-Home services, and less than 4% of all children served in Family Preservation services experienced family separation. A Casey Family Programs report indicated that only 6% of children experience repeat maltreatment within six months of a child welfare intervention, and that the number of children in foster care has been markedly reduced in the last two decades. The progress made by Baltimore City DSS is especially to be commended, with a significant decrease in foster care entries without a concomitant rise in repeat maltreatment.

But while progress has been made, the root causes of the current placement crisis demand a more robust, long-term solution than the temporary fix of unlicensed placements such as hotels or office buildings. A sustainable solution requires a comprehensive, multi-faceted approach that not only addresses the immediate shortage of appropriate placements but also invests in preventative measures to reduce the need for these foster care placements in the first place.

Rather than focusing on short-term solutions, the state must prioritize addressing the root causes of the placement crisis. This means investing in more permanent, suitable, and safe placement options, improving collaboration between agencies, and advocating for increased funding for programs that can offer the specialized care and services children need to heal and thrive. Simply relying on unlicensed settings is not an adequate response to the underlying challenges facing Maryland's child welfare system.

In conclusion, while the introduction of Senate Bill 191 brings attention to the severity of the placement crisis, we must challenge ourselves to think beyond temporary fixes and push for solutions that protect the safety and well-being of the children who need care the most. It's a collective responsibility to ensure that our state's most vulnerable children do not fall through the cracks and that they receive the care and support they need in a safe, appropriate environment. The time for a long-term, sustainable solution is now. It is for these reasons that the Coalition to Protect Maryland's Children **urges an unfavorable report** on SB0191- Family Law – Child in Need of Assistance – Unlicensed Settings.