

Testimony Before the Judicial Proceedings Committee

January 14, 2025

Senate Bill 191: Family Law - Children in Need of Assistance – Unlicensed Settings

**** Oppose ****

The National Association of Social Workers is the largest professional association of social workers in the country, and the Maryland Chapter represents social workers across the state. We are writing to articulate concerns regarding Senate Bill 191, which establishes a protocol for approving unlicensed settings for some children in the state’s custody.

According to our members, the majority of older youth entering foster care are doing so to address high-intensity behavioral health needs. Unfortunately, the current placement continuum lacks the capacity to meet those needs. As a result, local departments have been forced to rely on unapproved settings such as hotels, providing 1:1 aides and gift cards for food—a practice that has become commonplace since 2019. It is estimated that between 30 and 50 children and youth are in hotels at any given time, costing approximately \$40,000 to \$60,000 per child each month—amounting to nearly \$3 million monthly. Additionally, children and youth have been left in overstays at psychiatric hospitals or "boarded" for days in emergency rooms.

The Department of Human Services’ 2024 Annual Progress and Services Report rightly characterizes this as a "placement crisis," but it’s not new. Left unresolved by the previous administration, this crisis has now become the Moore administration’s responsibility to repair. Regrettably, Senate Bill 191 falls short of a viable strategy to strengthen the placement continuum and adequately serve the children. Furthermore, it inexplicably excludes children whose permanency plan is no longer return home, or those for whom the Juvenile Court has “not yet made the required findings under 9-101” of the Family Law statute, a statute pertaining to visitation when abuse has occurred.

Also concerning is the bill’s requirement that for unlicensed settings to be approved, the responsible agency must present "clear and convincing evidence" that reunification efforts

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were “unsuccessful due to reasons within the control of the child or family.” Similarly, efforts to locate a kinship caregiver must also be exhausted and deemed “unsuccessful due to reasons within the control of the child or kinship caregiver.” These criteria are vague and raise significant questions: What does "reasons within the control of the child or family" even mean?

In its current form, Senate Bill 191 does not address the core issues at hand and leaves critical gaps in its approach to solving the placement crisis. We urge lawmakers to revisit and revise the bill to focus on meaningful solutions that expand and strengthen the placement continuum, ensuring all children and youth in the state’s custody receive the care and support they need.

Thank you for your attention to this important issue.

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