



January 14, 2025

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

Senate Judicial Proceedings Committee

Position: Letter of Information

The Maryland Association of Resources for Families and Youth (MARFY) is an association of private child caring organizations providing foster care, group homes, and other services through more than 200 programs across Maryland. The members of MARFY represent providers who serve Maryland's most vulnerable children who are in out of home placements due to abuse, neglect or severe mental health, and medical needs. We operate group homes, treatment foster care programs and independent living programs, primarily serving the adoptive and foster care population as well as a juvenile services population.

We are writing in response to Senate Bill 191, Family Law—Children in Need of Assistance—Unlicensed Settings. The longstanding issue of youth being placed in unlicensed settings is deeply concerning and predates this administration. While we recognize and appreciate the Department's efforts to establish standards for identifying appropriate placements and providing oversight for unlicensed settings, we believe this bill falls short in addressing the needs of youth with significant behavioral health or developmental challenges. Unlicensed placements pose serious risks to the safety and well-being of youth. Although the state may have an adequate number of total placements by bed count, there is a critical shortage of specialized resources for high-need youth.

While the bill's prohibition on the use of unlicensed settings for child placement under most circumstances is commendable, it does not provide a sustainable or comprehensive solution to

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Maryland's systemic placement problem for unhoused and foster youth. Our concern is that this bill, while aiming to regulate unlicensed placements, may inadvertently legitimize and expand their use, further compromising the care of vulnerable youth and their path to permanency.

Shortcomings of SB 191 as a Long-term Solution:

1. Over-reliance on Existing Licensed Facilities

The bill prohibits placements in unlicensed settings unless stringent conditions are met. However, it fails to address the shortage of licensed facilities and foster homes capable of meeting the diverse and complex needs of CINA. Without significant investment in expanding and enhancing licensed care options, this prohibition risks creating bottlenecks in the placement process and leaving vulnerable children in precarious situations.

2. Limited Timeframe for Emergency Unlicensed Placements

SB 191 allows unlicensed placements for up to 10 days under specific conditions, provided the Secretary of Human Services authorizes extensions. While this limitation aims to protect children, it does not consider the logistical and systemic delays in finding appropriate licensed placements, especially for children with specialized needs.

3. Failure to Address Root Causes of Placement Problems

The legislation emphasizes compliance with licensing but does not propose actionable steps to address the systemic issues contributing to the placement crisis, such as:

- The lack of financial and structural support for foster families.
- Insufficient recruitment and retention of qualified caregivers.
- The growing number of children entering the system due to socio-economic challenges.

4. Exclusion of Broader Support Mechanisms

While the bill mandates thorough efforts to locate kinship caregivers or reunify families before unlicensed placement, it does not provide additional funding or resources for family support programs, community interventions, or mental health services that could prevent the need for foster care placements altogether.

Recommendations for a Sustainable Approach:

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To ensure the long-term success of Maryland's child welfare system, we recommend the following:

1. Increased Funding: Allocate resources to expand the number of licensed care facilities, incentivize the recruitment of foster families, and facilitate the path to permanency for youth in care. This specifically includes the State finishing the process of rate reform, especially reforms for funding therapeutic foster care, which includes increased reimbursement for foster families, as well as making specific investments in wraparound services for kinship families for youth with intensive needs, whether they be in kinship or non-relative care.

2. Enhanced Family Support Services: Invest in preventive measures, such as mental health services, substance abuse treatment, and housing assistance, to reduce the number of children entering care as well as address their ongoing needs.

3. Streamlined Licensing Processes: Simplify and expedite the licensing of kinship caregivers and foster homes to increase available placements.

4. Holistic Policy Approach: Develop a comprehensive strategy addressing systemic barriers and fostering collaboration between state agencies, local departments, and community organizations. Additionally, the Department should prioritize updating outdated regulations for both public and private providers, so they align with national standards and best practices, ensuring a safe path to permanency for all children.

Maryland's children deserve a child welfare system that prioritizes stability, safety, and long-term well-being. While parts of SB 191 represent a step forward, it must be supplemented with systemic reforms to truly solve the placement crisis for unhoused and foster youth.

For more information call or email:

Therese M. Hessler | 301-503-2576 | therese@ashlargr.com



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