



DEPARTMENT OF HUMAN SERVICES

Wes Moore, Governor · Aruna Miller, Lt. Governor · Rafael López, Secretary

February 13, 2025

The Honorable Luke Clippinger, Chair
House Judiciary Committee
100 Taylor House Office Building
6 Bladen Street
Annapolis, Maryland 21401

**RE: TESTIMONY ON HB0223 - CHILD ABUSE AND NEGLECT INVESTIGATIONS
("KNOW BEFORE THEY KNOCK" FAMILY RIGHT TO NOTICE ACT) - POSITION:
INFORMATION ONLY**

Dear Chair Clippinger and members of the Judiciary Committee:

The Maryland Department of Human Services (DHS) thanks the Committee for its consideration and appreciates the opportunity to provide a letter of information for House Bill 223, Family Law - Child Abuse and Neglect Investigations ("Know Before They Knock" Family Right to Notice Act).

With offices in every one of Maryland's jurisdictions, DHS empowers Marylanders to reach their full potential by providing preventative and supportive services, economic assistance, and meaningful connections to employment development and career opportunities. The Social Services Administration (SSA) within DHS implements the Child Protective Services (CPS) program, which is directly impacted by HB 223. As drafted, this bill requires local department of social services (LDSS) social workers investigating allegations of child abuse and neglect to provide an oral and written notice to the child's parent or guardian about their legal rights. The proposed notice closely resembles Constitutionally-required Miranda rights read to criminal suspects who are interrogated while in police custody.

DHS strongly supports increasing parents' access to legal information, but believes implementing the approach outlined in the bill will cause confusion for families and social workers by conflating child protective services with criminal investigations.

Child Protective Services investigations by definition are not criminal investigations; they have different statutory purposes, different authority, and different impacts on parents. Local departments of social services caseworkers are responsible for conducting investigations into alleged child abuse and neglect, and assessing the child's well-being under Family Law Article §5-706. Social services caseworkers do not have the authority to conduct criminal investigations, file criminal charges, give legal advice, or prosecute alleged abusers. Criminal investigations and prosecutorial decisions are the role of local law enforcement and the state's attorney.

In criminal investigations, law enforcement officers are responsible for informing individuals arrested in connection with a crime of their legal rights, because anyone arrested has lost one or more fundamental rights, including their personal liberty. We understand that when out-of-home placement is necessary to protect a child, family separation can feel like a loss of the fundamental rights of parents to direct the care, custody, and upbringing of their children; rights protected under due process principles. However, child welfare investigations are not criminal investigations. Child welfare investigations are undertaken solely for compelling reasons related to the health, safety, and well-being of children. In child welfare responses, social workers are responsible for assessing the health, safety, and well-being of the child; not arresting or filing criminal charges against the parent or caregiver. Child welfare responses should not be treated like criminal investigations because doing so continues to conflate DHS' responsibility to ensure children's safety with the authority reserved for criminal justice systems. Should the state's attorney decide to prosecute child abuse or neglect a Miranda notice of rights in a criminal investigation is appropriately provided at that time.

Since the early 20th century, the courts and Congress have empowered child welfare systems across the country to intervene in families and parental decisions under authority of their child protection duties; with a disproportionate negative impacts on families of color.¹ DHS is working to reverse this excess of authority. DHS is and has been working hard to change the culture of child welfare practices in Maryland by prioritizing collaboration with families, and moving away from an adversarial investigative approach to a supportive alternative response. A cultural shift is essential to build trust, collaboration, and meaningful partnerships with parents to ensure child safety while preserving family integrity. However, the bill risks undermining our progress by requiring legalistic procedures that mirror law enforcement actions rather than processes that reflect social work principles.

¹ Meyer v. Nebraska, 262 U.S. 390 (1923); Pierce v. Society of Sisters, 268 U.S. 510 (1925); Prince v. Massachusetts, 321 U.S. 158 (1944); Wisconsin v. Yoder, 406 U.S. 205 (1972); Troxel v. Granville, 530 U.S. 57 (2000).

Since 2014, local departments of social services have used the [alternative response model](#) for lower risk reports. Alternative response uses a collaborative assessment that involves the family in all conclusions and service recommendations to ensure children's safety. In federal fiscal year 2024, nearly half of all DHS' Child Protective Services responses were conducted using the alternative response model. In alternative responses, social workers are required to interact with families in a non-adversarial manner, and all family members participate in the assessment process. The goal of alternative response is to safely divert families away from an investigative response. In December 2024, the Social Services Administration convened an Alternative Response Workgroup to review and refine our practice so DHS can continue to shift the culture of child welfare towards supportive and inclusive family engagement. The Alternative Response Workgroup analyzes data on child safety outcomes, family well-being, and service utilization to develop specific recommendations for policy, regulation, and statutory change that will enhance the program's effectiveness.

State regulation [COMAR 07.02.04.04 \(E\)](#) already requires DHS to distribute a "Parent's Guide" (attached) at initial contact with a family, and to obtain the parents' signature acknowledging they've received the guide. DHS is concerned that the enhanced processes the bill would require will impede our efforts at crucial cultural change by requiring social workers to more closely emulate process servers, usually Sheriff's deputies. Process servers deliver formal legal notice requiring the parent's signature to acknowledge receipt of rights, or document their refusal to sign. The bill would position child welfare social workers as police, process servers, and adversaries rather than partners. The bill requirements would put social workers in postures too similar to law enforcement and reduce our ability to partner with parents to strengthen and preserve families. DHS suggests changing the word "notice" in the bill to "information" or "notification" in keeping with the social worker's role and authority. This change would ensure that parents receive important information about their rights without distorting the function of child welfare professionals or inadvertently initiating a punitive, adversarial dynamic.

National best practices validate that social workers have a role in providing information about legal resources for parents; but not in the prescriptive manner mirroring criminal investigation protocols outlined in HB 223. The National Association of Social Workers' [Standard for Social Work Practice in Child Welfare](#) explains:

"The social worker must be able to assess current and imminent risk and ensure that arrangements are made to protect the child in accordance with state and federal laws, agency policies, and administrative directives governing child protection. Social workers in child welfare should be clear with the family about

the reasons for services, inform them of their rights, and facilitate legal representation.” (Standard 8. Assessment)

In alignment with national social work standards, DHS currently provides parents with information about legal rights and resources in our existing “Parent’s Guide for Child Protective Services Investigations and Alternative Response.” The Parent’s Guide is distributed when a social worker initially contacts a family. Per [COMAR 07.02.04.04\(E.\)](#), caseworkers are required to request the caregiver's signature acknowledging receipt of the Parent’s Guide. We included the Parent’s Guide with this testimony. We are updating the Parent’s Guide and offered to include more information about legal resources in the update. DHS also offered to include additional information about legal resources for parents on the DHS website.

Since 2023, DHS has shared our commitment to ensuring parents are informed of their rights and to facilitating legal representation through several conversations with the sponsor and the Office of the Public Defender (OPD). We built on our commitment by proudly partnering with OPD as they expand “[Better Together](#).” Better Together is OPD’s innovative pre-petition civil legal counsel and wrap-around services model piloted in Baltimore City. DHS recognizes pre-petition legal counsel and services are effective for achieving our primary goals: preventing child abuse and neglect, and strengthening and preserving families. We also recognize that the role of legal counsel is properly distinct from the role of a social worker. We continue to work with OPD on a case-by-case basis to remove barriers and increase referrals to Better Together. We also inquired with federal partners about the allowability of using federal Title IV-E foster care funds to support OPD’s implementation of a legal warm line and web-based referrals. Frustratingly, the federal resources we hope to obtain are subject to the new presidential Administration’s priorities. We continue to discuss with OPD additional ways of informing the public about Better Together and facilitate access to legal services for parents with child welfare involvement. We are deeply committed to working with the sponsor and OPD to develop processes and regulations that expand parents’ access to legal information and services in a manner that is trauma-informed and aligns with our family-centered, strengths-based Integrated Practice Model.

We appreciate the opportunity to provide informational testimony to the Committee for consideration during your deliberations. We look forward to the decision of the Committee and welcome continued collaboration on HB 223. If you require additional information, please contact Rachel Sledge, Director of Government Affairs, at rachel.sledge@maryland.gov.

In service,

A handwritten signature in black ink, appearing to read "Carnitra White", written over a large, stylized letter "C".

Carnitra White
Principal Deputy Secretary

Attachment: Parent's Guide to Child Protective Services Investigations and Alternative Response

HOW ARE COMPLAINTS HANDLED?

If you have any complaints or encounter an issue with CPS, have an open discussion with your CPS worker. Often, having this conversation can resolve your issues. If you have a complaint about any other aspect of your interaction with CPS staff, you may ask to speak to your worker's supervisor or contact the Constituent Services Office of the Maryland Department of Human Services.

CAN I APPEAL A LOCAL DEPARTMENT'S FINDING?

Yes. At the conclusion of a CPS investigation, the local department will provide you with a written notice that the report of abuse, neglect, or mental injury was "ruled out," "unsubstantiated," or "indicated." If you disagree with a finding of "indicated" (more likely or not that abuse or neglect occurred), or the conclusion that you are responsible for the abuse or neglect, you may request a hearing at the Maryland Office of Administrative Hearing.

If you disagree with a finding of "unsubstantiated" some evidence that a child was abused or neglected, you will be offered a conference with a local department supervisor to discuss the finding and provide any additional information.

If you are dissatisfied with the outcome of the conference, you may request a hearing at the Maryland Office of Administrative Hearings.

The local department will provide you with the necessary forms and information to request a hearing and pay the appropriate fees at the Maryland Office of Administrative Hearings.

Hearings at the Maryland Office of Administrative Hearings provide you with a fair process to present evidence to contest a finding of "indicated" or "unsubstantiated" child abuse or neglect. The goal of these hearings is to safeguard the rights of all parties involved.

HOW IS MY CONFIDENTIALLY PROTECTED?

CPS records in Maryland are kept confidential to protect the privacy and safety of the children and families involved. CPS ensures the confidentiality of CPS records in several ways:

Limited access:

■ CPS limits who may access a CPS record to authorized personnel directly involved in a case, such as a caseworker, a supervisor, or another professional working on your child's behalf.

Legal protections:

■ State laws and regulations have specific provisions to maintain the confidentiality of CPS records; the unauthorized disclosure of CPS records may have legal consequences.

Redaction and de-identification:

■ Before sharing records with individuals who may have legal access to CPS records, CPS may redact, or take out, personal identifiers and sensitive information.

Secure storage:

■ CPS records are typically stored in secure databases or physical locations that prevent unauthorized access.

Limited sharing:

■ CPS may legally refuse to share CPS records with persons who are permitted by law to see CPS records, such as law enforcement, courts, or service providers, unless CPS finds that they have a legitimate need to view a particular record.

In certain specific situations, CPS may be ordered to disclose records to certain persons if the law requires it or a court mandates it. In these situations, disclosure has been found to be necessary for the safety and well-being of a child. Nonetheless, confidentiality remains a paramount concern in child welfare cases in Maryland and across the United States.

CONTACT INFORMATION

If you have any questions or concerns about CPS or a related matter, please reach out to your CPS worker who is trained to help you.

Your worker's name : _____

Your worker's phone number and email address:

Your worker's supervisor :

Your worker's supervisor's phone number and email address: _____

CASE TYPE

- ☐ Investigation
☐ Alternative Response
☐ Other _____

Parent's Guide for Child Protective Services

Investigations and Alternative Response



WHAT IS CHILD PROTECTIVE SERVICES?

Child Protective Services (CPS) is a specialized unit in your local department of social services whose job is to ensure the safety and well-being of your children while providing you with support and guidance. CPS staff respond to reports of possible child abuse or neglect and are trained to assess these situations with care and understanding.

WHO REPORTS ABUSE/NEGLECT?

Maryland law identifies certain professionals as “mandatory” reporters, meaning that they are required by law to report suspected child abuse or neglect. Mandatory reporters include doctors, nurses, police officers, educators, and human services workers. Local departments of social services also accept reports from community members who have concerns about child abuse or neglect.

IS THE NAME OF THE PERSON WHO REPORTED ABUSE OR NEGLECT PUBLIC INFORMATION?

No. By law, the identity of a person who reports suspected child abuse or neglect is confidential unless a court specifically orders its release. Most reports are made by people genuinely concerned about a child’s well-being and a family’s welfare; sharing a reporter’s identity could discourage reporting.

WHAT HAPPENS IN AN INVESTIGATION?

A CPS investigation is not a criminal investigation. An investigation focuses on whether your child has been abused or neglected, who may be responsible, whether your child is safe, and what services are appropriate. CPS staff may work with local law enforcement if the severity of the situation or concern for worker safety calls for it. Only the police, and not child protective services, can make arrests and pursue a criminal case. A CPS investigation by law, should be closed after 60 days.

WHAT IS AN ALTERNATIVE RESPONSE?

An Alternative Response is different from an investigation. An Alternative response is an option CPS staff have for handling a low-risk report of child abuse or neglect where your family has had little to no previous CPS history. In an Alternative Response, CPS staff do not formally determine whether your child was abused or neglected. Instead, staff focus on what is needed to keep your child safe.

The first step of an Alternative Response is a conversation with your family about safety concerns raised in the report. Then, CPS will recommend strategies that you can use in the home

to ensure your children’s safety and well-being. Staff will also make referrals to any community resources that can support your family after the Alternative Response is complete.

If during the Alternative Response, staff identify safety concerns that cannot be addressed through safety planning and community referrals, a traditional investigation may be necessary.

Information from an Alternative Response DOES NOT have any effect on a CPS background clearance. Furthermore, any records related to an Alternative Response are expunged three years after the report. This period may only be extended if CPS receives another report concerning the same person named in the prior report.

WHAT RIGHT DOES CPS HAVE TO GO TO MY HOME?

CPS staff are required by law to promptly and thoroughly address allegations of child abuse, neglect, or mental injury. Staff visits the home to assess the situation, evaluate family functioning, and ensure a child’s safety and well-being.

WHAT RIGHT DOES CPS HAVE TO REQUIRE A MEDICAL EXAMINATION?

If your child’s health requires immediate medical attention, CPS staff or law enforcement are permitted by law to take your child to a doctor, hospital, or clinic for examination and treatment without your consent.

WHAT HAPPENS IF, DURING AN INVESTIGATION, CPS STAFF FIND NO ABUSE, NEGLECT, OR MENTAL INJURY?

If CPS staff conduct a thorough investigation and find no evidence of abuse, neglect, or mental injury, they will close the case. Any information gathered during the investigation will be automatically discarded after two years, and CPS will have no further involvement unless they receive a new report. If an assessment or investigation suggests that your family could benefit from services to promote your child’s safety and well-being, staff may recommend supportive services.

If CPS staff find evidence during their investigation that your child was abused, neglected, or has a mental injury, their primary responsibility is the safety and well-being of your child. CPS will determine what action to take depending on the severity of the situation and your willingness to accept services. Steps taken to protect your child and support your family may include:

Supportive Services:

■ CPS may offer or connect you with various support services, such as counseling, parenting skill building, substance abuse treatment programs, or other assistance programs. These services are intended to address your circumstances and provide your family with the necessary resources to care for your child.

Written Safety Plan:

■ You and the CPS worker will collaborate to create a safety plan. This plan outlines steps you agree to take to ensure your child’s safety and prevent further harm. One step may be to have you identify a relative or neighbor who is willing to temporarily care for your child. However, this plan can only be put in place with your agreement and does not affect who has legal custody of your child.

Legal Intervention:

■ If necessary, CPS may involve a court to obtain legal orders to protect your child. A court may order supervision of your family or removal of your child from an unsafe environment. If the court removes your child, you will have the ability to obtain a lawyer to represent you for free or at a reduced rate through the public defender’s office. A lawyer, not affiliated with DSS will be appointed to represent your child’s interests. The local department of social services will have its own lawyer.

Ongoing Support:

■ After CPS addresses immediate concerns, staff may refer you to an agency-based service to ensure that, after the investigation is complete, your family has support to sustain a safe and nurturing environment for your child.

CPS’s ultimate goal is not to punish you or your family but to promote the safety and well-being of your children. Staff work diligently to address underlying issues and assist you in becoming safer caregivers so that your child grows up in a safe and loving environment.

If you or your child is a member of a federally recognized tribe, you may have additional rights under the Indian Child Welfare Act. You may reach out to your tribe or to CPS for more information.

WHAT HAPPENS IF I DISAGREE THAT CPS NEEDS TO BE INVOLVED?

If your family and CPS staff disagree about whether CPS needs to intervene, the local department may refer the matter to a court for resolution. In such cases, a judge will decide whether an intervention is appropriate and may order your family to cooperate with CPS to address specific concerns.