

## 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.*



### **HB0649 - Family Law - Children in Foster Care – Background Information House Judiciary Committee February 20, 2025**

#### **Information Only**

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 work together to promote meaningful child welfare reform. CPMC offers this information letter on HB0649 - Family Law - Children in Foster Care – Background Information.<sup>1</sup>

CPMC appreciates the intent of HB0649, which seeks to mandate full disclosure of all known information about a child to foster parents before placement. However, we believe it is important to recognize that this requirement is already established in existing regulations and practice. Not all best practices need to be legislated, particularly when they are already embedded within regulatory frameworks.

A Child Placement Agency (CPA) is an out-of-home care private provider approved and licensed by the Office of Licensing and Monitoring within the Department of Human Services. CPAs include treatment foster care (TFC), independent living programs (ILP), and adoption agencies throughout Maryland. When children are referred by Local Departments to CPAs, existing regulations under **COMAR Sec. 07.05.02.15**. (Agency Services to the Child Before Placement in Foster Care) require the disclosure of the following information:

- medical passport and medical history or other medical information,
- educational history,
- psychosocial history, and
- when appropriate, psychiatric or psychological evaluation.

In emergency placements, this information must be provided within 20 days.

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<sup>1</sup> Members of CPMC represented by this written testimony include Catholic Charities of Baltimore, Center for Hope, Child Justice, Court Appointed Special Advocates (MD CASA), Court Appointed Special Advocates (Baltimore County), Everstand, Maryland Association of Resources for Families and Youth (MARFY), Maryland Children's Alliance, Maryland Network Against Domestic Violence, and National Association of Social Workers – MD.

We acknowledge that House Bill 649 is likely intended to apply to **all** children in out-of-home placements, including those placed directly with foster parents through Local Departments of Social Services, not just those placed through CPAs. In this regard, existing regulations already address this issue. Under **COMAR Sec. 07.02.25.07-1**. (Rights of a Foster Parent), it is mandated that:

“At the initial placement, at any time during the placement of a child in foster care, and as soon as practicable after new information becomes available, the foster parent has the right to receive full information from the caseworker on the physical, social, emotional, educational, and mental history of a child which would possibly affect the care provided by a foster parent except for information about the family members that may be privileged or confidential.”

### **The Importance of Full Disclosure**

Best casework practice dictates that full disclosure to potential foster parents is essential for ensuring successful placements. Transparency maximizes the likelihood of a good match and enables foster parents to meet the child’s specific needs. Withholding critical information does a disservice to all involved—especially the child.

Over **60% of youth aged 14 to 17** enter foster care not due to maltreatment but due to behavioral health needs, including developmental disabilities. These young people often require specialized care. However, a key challenge remains: **the Local Department can only share the information it has received**. When a child enters foster care on an emergency basis, limited information may be available, and ongoing police investigations, for example, may not be legally shareable at that time.

### **Addressing Concerns About Law Enforcement References**

The reference in HB649 to “interaction with a law enforcement agency, as defined in Family Law title § 5–701, including any arrests” is somewhat puzzling, as § 5–701 pertains to definitions related to maltreatment. However, we agree that disclosure of delinquency findings and other relevant interactions with law enforcement, if known to the Local Department, is important for foster parents to understand a child’s background.

Educational information is also critical, as Local Departments must ensure that children are enrolled in school within **five days of placement**.

### **Conclusion**

In summary, the intent of House Bill 649—to ensure foster parents receive all non-confidential information about the child — is already well established in **existing regulations and standard practice**. Despite best efforts, there are inherent challenges in obtaining complete information, particularly in emergency placements. We appreciate the legislation’s intent but believe that the current regulatory framework sufficiently addresses these concerns.