

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.



HB0944 – Family Law - Children in Need of Assistance and Termination of Parental Rights February 20, 2025

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 work together to promote meaningful child welfare reform. **CPMC urges an unfavorable report on HB0944 – Family Law - Children in Need of Assistance and Termination of Parental Rights.**¹

HB0944 seeks to repeal a provision allowing local departments of social services to request that juvenile courts waive reunification efforts when a parent has involuntarily lost parental rights to a sibling. Changes are also proposed with regards to factors a judge may consider in a future termination of parental rights (TPR) trial that weaken protections for vulnerable children and undermines their right to timely permanence.

Historically, children were seen as parental possessions rather than individuals with rights. Even today, they remain the only class of humans subject to legally permissible physical force (within limits). The passage of child protection laws in the 1960s, and later the Adoption and Safe Families Act (ASFA) in 1997, aimed to correct these injustices by ensuring that children do not languish in foster care due to repeated failed reunification attempts.

ASFA was designed to improve child welfare by reducing the time children spend in foster care, partially by expediting the adoption process. Before ASFA, children often spent their entire childhood in state custody while parents were given endless opportunities to address the issues that led to maltreatment and removal.

When a child enters foster care, the primary goal is swift reunification—if the parent can resolve the issues that lead to removal. If a resolution is not possible within a reasonable timeframe, alternative permanency options such as custody, guardianship, or adoption are pursued. ASFA allows judges to waive reunification efforts under specific, narrow

¹ Members of CPMC represented by this written testimony include Catholic Charities of Baltimore, Center for Hope, Citizens Review Board for Children, Court Appointed Special Advocates (MD CASA), Court Appointed Special Advocates (Baltimore County), Maryland Association of Resources for Families and Youth (MARFY), Maryland Children's Alliance, and Maryland Network Against Domestic Violence, National Association of Social Workers - MD,

circumstances, including when a parent has already had their parental rights **involuntarily** terminated for a sibling.

Why Prior Termination Matters - An involuntary termination of parental rights occurs only after exhaustive reunification efforts have failed and a court has found, by clear and convincing evidence, that the parent is unfit or that maintaining the parent-child relationship would be detrimental to the child's wellbeing. Such cases undergo rigorous judicial scrutiny and can be appealed, often extending the process by over a year.

Under HB0944's proposed changes, if a subsequent child is so severely maltreated that removal is necessary, social services would lose a key tool for ensuring the child's safety and timely permanence. The Department would no longer be able to request a waiver of reunification efforts based on the parents' past inability to provide a safe home and the involuntary termination of a sibling. These disregard any established patterns of parental unfitness and places children at greater risk.

Additionally, HB0944 eliminates the requirement that a judge even consider a prior involuntary termination in subsequent termination trials. Ignoring past endangering behavior contradicts common sense and child welfare principles.

Furthermore, the bill's revision to page 4, Line 14, which adds the word "AND" significantly raises the standard for terminating parental rights, limiting judicial consideration to only the most extreme cases—chronic abuse, life-threatening neglect, sexual abuse, and torture—**if** the parent has been convicted of a violent crime. This fails to account for instances where severe abuse does not result in criminal conviction, effectively removing crucial protections for children.

HB0944 weakens child welfare protections, prioritizes parental rights over child safety, and threatens timely permanence for children in foster care. A child's sense of time differs greatly from an adult's—two years may represent their entire lived experience. The responsibility for a child's developmental wellbeing is paramount, and their right to a safe and stable home must take precedence over a parent's right to repeated reunification attempts.

For these reasons, we strongly request an unfavorable report on HB944 and urge lawmakers to prioritize the safety and wellbeing of Maryland's most vulnerable children.