



February 13, 2025

RE: SUPPORT— HB223 The Know Before They Knock” Family Right to Notice Act

Dear Delegate Crutchfield and members of the House Judiciary Committee,

This testimony is submitted by Civil Rights Corps (CRC), a civil rights organization dedicated to challenging systemic injustice in the United States legal system. Civil Rights Corps specializes in innovative, systemic civil rights reform through litigation, advocacy, and public education. Since its founding in 2016, the organization has sought reform through advocacy and successful lawsuits in federal and state courts around the country challenging pretrial detention practices; state and municipal policies that incarcerate people because they cannot afford debts; abusive policing, prosecutorial, and surveillance practices; and other systemic practices that are unjust and unconstitutional and that separate families. These legal cases—and related policy collaboration with state supreme courts, rulemaking bodies, attorney generals, federal government officials, legislators, local presiding judges, and others—have resulted in widespread changes in how some of the most marginalized people in our society are treated by the court and police systems.

For over a year CRC has investigated the Maryland child welfare system also known as the family regulation system.¹ We submit this testimony with firsthand knowledge that Maryland families are subjected to intense surveillance and mired in onerous requirements when child services knocks on their doors. HB223 will minimize the procedural opacity that prevents parents from understanding and asserting their rights, providing a safeguard to protect the most marginalized families.

The bill helps protect cash-poor families. The strongest predictors of who will be subjected to a family regulation system report are synonymous with poverty and racism. The investigated families are those who need a food pantry, have difficulty paying rent, are experiencing utility shut-offs and public benefit shortages.² These are not abusive families—these are economically neglected families. In Maryland, thousands of families are facing economic neglect and are therefore at risk of foster system involvement. In 2022, 18% of

¹ Throughout our testimony, we will use the term “family policing” or “family regulation” system to describe what has been most commonly referred to as the “child welfare” or “child protection” system, to honor the ways directly impacted people describe this system and in recognition of the system’s racist history and the harm and trauma caused by forced family separation.

² Slack, K. S., Berger, L. M., DuMont, K., Yang, M.-Y., Kim, B., Ehrhard-Dietzel, S., & Holl, J. L. (2011). Risk and protective factors for child neglect during early childhood: A cross-study comparison. *Children & Youth Services Review*, 33(8), 1354-1363. <https://doi.org/10.1016/j.childyouth.2011.04.024>



Maryland children had working parents living below 200% of the federal poverty line,³ and in Baltimore, poverty rates for school-age children regularly exceeds the national average.⁴ Enacting HB223 will have a profound impact on economically marginalized families. These are the parents and children who are most likely to be faced with family regulation system investigation, even when all they needed was support and material resources.

The “Know Before They Knock” Family Right to Notice Act will also act as a safeguard to Black and non-white families who disproportionately face the foster system. Similar to the criminal legal system, the family regulation system subjects Black, Indigenous, and Latine to a greater likelihood of more surveillance, more reports to the family police, more investigations, more forced family separation, and more terminations of parental rights. Nationally, 1 in 2 Black children will experience a family policing investigation.⁵ 1 in 10 will experience family separation.⁶ 1 in 41 will have their parents’ rights terminated.⁷ The trend, unfortunately, persists in Maryland. Although Black children make up less than one-third of the state’s child population, 56% of children who entered the foster system in Maryland in 2021 were Black.⁸ This is deeply troubling, especially when considering that the foster system is not a utopic safe haven, but often the locus of danger and trauma. For example, a study of the Baltimore foster system found that sexual abuse in foster placements was substantiated at four times the rate of the general population.⁹ This is not safety, and laws like HB223 can help protect Black, Latine and Indigenous families from the trauma of separation.

Finally, CRC supports HB223, the “Know Before They Knock” Family Right to Notice Act, because this it is a procedural intervention that could prevent an invasive and hugely consequential investigation that could lead to the evisceration of one of the most precious fundamental rights– the right to family integrity. Federal law consistently affirms the right of

³ “Children in low-income working families by age group in Maryland.” *Kids Count Data Center*, Annie E. Casey Foundation, January 2024.
<https://datacenter.aecf.org/data/tables/5048-children-in-low-income-working-families-by-age-group?loc=1&loc=2#detailed/2/22/false/1095.2048.1729.37.871.870.573.869.36.868/34.35.36/11455.11456>

⁴ Annie E Casey Foundation, A profile of Youth and Adults in Baltimore, *available at*, [https://www.aecf.org/blog/a-profile-of-youth-and-young-adults-in-baltimore#:~:text=Poverty%20increased%20among%20Baltimore's%20school,and%20U.S.%20\(19%25\)%20rates](https://www.aecf.org/blog/a-profile-of-youth-and-young-adults-in-baltimore#:~:text=Poverty%20increased%20among%20Baltimore's%20school,and%20U.S.%20(19%25)%20rates).

⁵ Kim, Hyunil, et al. “Lifetime Prevalence of Investigating Child Maltreatment among Us Children.” *American Journal of Public Health*, U.S. National Library of Medicine, Feb. 2017, [pmc.ncbi.nlm.nih.gov/articles/PMC5227926/](https://pubmed.ncbi.nlm.nih.gov/articles/PMC5227926/).

⁶ Minoff, Elisa, and Alexa Citrin. “Systemically Neglected.” *Center for the Study of Social Policy*, Mar. 2022, cssp.org/wp-content/uploads/2022/03/Systemically-Neglected-How-Racism-Structures-Public-Systems-to-Preduce-Child-Neglect.pdf.

⁷ “Racial Justice.” *Children’s Rights*, 22 Oct. 2024, www.childrensrights.org/focus-areas/racial-justice.

⁸ Williams, S. C., Rosenberg, R., & Martinez. “State-level data for understanding child welfare in the United States - Child trends.” *ChildTrends*, 9 July 2024, <https://www.childtrends.org/publications/state-level-data-for-understanding-child-welfare-in-the-united-states>.

⁹ Trivedi, Shanta. “The Harm of Child Removal.” *NYU Review of Law & Social Change* 43(3) 523, 542 (2019).



family integrity and the reciprocal rights for parents and children to be together.¹⁰ Yet, families are not even afforded minimal procedural protections when the family regulation system knocks on this door. HB 223 is an important first step to protecting our most marginalized families.

We hope that the committee acts on this opportunity to protect marginalized families and that the Maryland legislature will use this as a starting point to shift its focus away from systems that police families, to systems that support families.

Sincerely,

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¹⁰ The right to family integrity is one of the most important rights protected by the federal Constitution. One hundred years ago, the Supreme Court acknowledged the right of a fit parent to raise her children free from unjustified state intervention: it held that the “liberty” contemplated by the Due Process Clause includes the right of parents to “establish a home and bring up children” (and, therefore, the right “to control the education of their own”). *Meyer v. Nebraska*, 262 U.S. 390, 399, 401 (1923). Two years later, the Court reiterated that the “liberty of parents and guardians” includes the right “to direct the upbringing and education of children under their control.” *Pierce v. Society of Sisters*, 268 U.S. 510, 534–535 (1925). The Court later affirmed that it is “cardinal with us that the custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder.” *Prince v. Massachusetts*, 321 U.S. 158, 166 (1944) (considering the intersection between parental rights and religious freedoms). This fundamental right is reciprocal: “[T]he child and [their] parents” both “share a vital interest in preventing erroneous termination of their natural relationship.” *Santosky*, 455 U.S. at 760; *Berman v. Young*, 291 F.3d 976, 983 (7th Cir. 2002), *as amended on denial of reh’g* (June 26, 2002) (“Parents have a fundamental due process right to care for and raise their children, and children enjoy the corresponding familial right to be raised and nurtured by their parents”); *Jordan ex rel. Jordan v. Jackson*, 15 F.3d 333, 346 (4th Cir. 1994) (noting that delay in reunification of a family “implicates the child’s interests in his family’s integrity and in the nurture and companionship of his parents”); *Smith v. City of Fontana*, 818 F.2d 1411, 1418 (9th Cir. 1987), overruled on other grounds by *Hodgers-Durgin v. de la Vina*, 199 F.3d 1037 (9th Cir. 1999) (en banc) (“[The] constitutional interest in familial companionship and society logically extends to protect children from unwarranted state interference with their relationships with their parents.”); *see also* Shanta Trivedi, *My Family Belongs To Me: A Child’s Constitutional Right to Family Integrity*, 56 Harv. C.R.-C.L. L. Rev. 267, 277–84 (2021). And the state “spites its own articulated goals” of protecting “the moral, emotional, mental, and physical welfare of the minor” when it separates a child from his fit parent. *Stanley v. Illinois*, 405 U.S. 645, 652–53 (1972).

