

# **HB 944 Written Testimony.docx.pdf**

Uploaded by: Hayley Lichterman

Position: FAV



NATASHA DARTIGUE  
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ELIZABETH HILLIARD  
DIRECTOR OF GOVERNMENT RELATIONS

## **POSITION ON PROPOSED LEGISLATION**

**BILL: House Bill 944**

**FROM: Maryland Office of the Public Defender**

**POSITION: Favorable**

**DATE: February 20, 2025**

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The Maryland Office of the Public Defender (OPD) respectfully requests that the Committee issue a **favorable report for House Bill 944**, which seeks to repeal Courts and Judicial Proceedings § 3-812(b)(3) and Family Law Article §5-323(d)(3)(V). This bill **would remove the provision of the statute that requires the court to waive the reasonable efforts of the local department to provide services to a parent to reunify with a child in foster care, if in a previous case for a different child the parent's rights were involuntarily terminated. And it would eliminate undue consideration of a prior involuntary Termination of Parental Rights (TPR) in determining a present-day TPR.** The current law unfairly forces parents into an impossible situation: choosing between their constitutional right to due process in fighting allegations of unfitness OR their right to receive assistance in reuniting with other children currently in foster care or future children who may enter the foster system, including children who may not even be born yet.

This testimony is provided by OPD's Parental Defense Division (PDD) which represents parents and legal guardians from all 24 counties in Maryland who have experienced, or are at risk of, having their children removed by the State. Our multidisciplinary legal team—including dedicated attorneys, licensed social workers, and parent advocates with lived-experience in the DSS system—ensures that families receive high quality legal representation during their Child in Need of Assistance and Termination of Parental Rights Cases.

### **Maryland's Current Law Harms Families and Communities**

The right to raise one's child is one of the most sacred and protected rights under the U.S. Constitution. Our laws recognize that parents should have every opportunity to prove they can provide a safe, stable home for their children. However, the current Maryland statute contradicts this principle by punishing parents who exercise their right to contest the termination of their parental rights. Once parental rights are terminated, the state has the authority to have the child

adopted by any person of the state's choosing, and the termination of parental rights is permanent and irreversible.

Decades of research consistently demonstrates that children are best served by remaining with their families and communities.<sup>1</sup> When the State has a concern that a child is not safe in their home, the Department of Social Services (DSS) can petition the court to place the child in the foster system. DSS is required to make reasonable efforts to assist the parent in obtaining reunification with their child in almost every case. Only after reunification efforts have failed and the court determines it is in the child's best interest, can the court place a child for adoption and permanently sever the parent's rights and the child's right to their biological relatives. There are a few exceptions to this rule in which the court is required to skip the step of providing help with reunification and go straight to termination of parental rights.

Under Courts and Judicial Proceedings 3-812(b), the exceptions are as follows:

1. The parent had subjected the child to severe abuse, chronic neglect, or other extreme conditions that endanger the child's well-being;
2. The parent has been convicted of severe crimes such as:
  - Murder or voluntary manslaughter of the child's sibling
  - Attempted murder or conspiracy to commit such an offense
  - Felony assault resulting in serious bodily harm to the child or a sibling
3. The parent *involuntarily* had their rights terminated to a child previously.

Involuntary TPR means that the parent did not agree to terminate their parental rights to their child. If a parent decides to fight a TPR and argue against their child's adoption, that parent faces the potential of never being permitted to work toward reunification with any subsequent child. *If under the exact same circumstances, the parent agrees to the prior TPR, versus contesting it, then DSS cannot make a request to waive reasonable efforts. This distinction serves no purpose other than to coerce parents into agreeing to a TPR to avoid this potential penalty in the future and punish them if they don't.*

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<sup>1</sup> Studies have shown that children placed in foster care are at increased risk for negative outcomes, including emotional, behavioral, neurobiological, and social challenges. Additionally, placement stability positively impacts safety, permanency, and well-being, with each move increasing safety risks and delaying permanency. [https://www.casey.org/placement-stability-impacts/?utm\\_source=chatgpt.com](https://www.casey.org/placement-stability-impacts/?utm_source=chatgpt.com). Furthermore, the largest studies comparing the impact on children of foster care versus keeping comparably maltreated children with their own families suggest that children fare better when kept with their families. [https://nccpr.org/the-evidence-is-in-foster-care-vs-keeping-families-together-the-definitive-studies/?utm\\_source=chatgpt.com](https://nccpr.org/the-evidence-is-in-foster-care-vs-keeping-families-together-the-definitive-studies/?utm_source=chatgpt.com). These findings underscore the importance of prioritizing family preservation and community-based interventions in child welfare practices.

The supposed goal of the waiver statute is to avoid wasting time working toward frivolous attempts at reunification. As such, the law allows DSS to go straight toward adoption efforts in particularly heinous cases such as violent crimes and murder. Bizarrely though, the law equates prior involuntary TPR with these aggravated circumstances.

Additionally, the current law does not give the court any ability for the court to exercise its sound discretion to deny DSS's request. Specifically CJP 3-812(d) states that "(d) If the court finds by clear and convincing evidence that any of the circumstances specified in subsection (b) of this section exists, *the court **shall** waive the requirement that reasonable efforts be made to reunify the child with the child's parent or guardian.*"

This provision is fundamentally unfair. It punishes parents simply for using their legal right to challenge allegations against them. In essence, it forces parents to choose: either give up their fight to keep their current child or risk losing the right to be considered for reunification with any future children. **House Bill 944 is simple: remove the provision that punishes parents for exercising their fundamental right to parent.**

## Real-Life Impact

To illustrate the devastating consequences of this law, consider a 16-year-old mother in foster care whose parental rights to her baby are being challenged. If she decides to fight to keep her child and loses, she will face permanent consequences, even if years later she matures, builds a stable life, and finds herself in a situation where her future child is removed due to circumstances beyond her control.

For example, if this mother, now an adult with a steady job and a stable home, experiences a domestic violence incident that leads to her new child being temporarily placed in foster care, the law would deny her the opportunity to receive the same reunification services available to other parents. This is unjust and undermines the intent of child welfare laws which favor keeping families together whenever possible.<sup>2</sup>

## Why Repealing This Provision Matters

Repealing §5-323(d)(3)(V) does not mean that unfit parents will automatically regain custody of their children. It simply ensures that every case is evaluated fairly based on the parent's current

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<sup>2</sup> A key objective of the CINA statute is to "conserve and strengthen the child's family ties and to separate a child from the child's parents only when necessary for the child's welfare." [Maryland Courts and Judicial Proceedings 3-802](#).

circumstances, rather than being prejudged based on the parent asserting her constitutional right to a trial.

Other states have recognized similar laws as unconstitutional. In *Alsager v. District Court of Polk County*, 518 F.2d 1160 (1975), the court found that a statute depriving parents of their fundamental rights in this way violated the Fourteenth Amendment. Maryland should follow suit and eliminate this provision, ensuring that due process protections are upheld.

## **Conclusion**

Maryland's child welfare system should focus on what is ***best for each child in the present***, not penalize parents for past legal fights. Every parent deserves a fair chance to demonstrate they can provide a safe and loving home. Repealing FLA § 5-323(d)(3)(V) and CJP § 3-812(b)(3) is a necessary step toward a more just system that supports family reunification when appropriate.

**For these reasons we urge the Committee to issue a favorable report for House Bill 944** and remove this unconstitutional and unjust barrier to family preservation.

**Submitted by:** Maryland Office of the Public Defender, Government Relations Division.

**Authored by:** Nenutzka Villamar, [nenutzka.villamar@maryland.gov](mailto:nenutzka.villamar@maryland.gov), Hayley Lichterman, [hayley.lichterman@maryland.gov](mailto:hayley.lichterman@maryland.gov), Kenneth Wardlaw, [kenneth.wardlaw@maryland.gov](mailto:kenneth.wardlaw@maryland.gov), and Natasha Khalfani, [natasha.khalfani@maryland.gov](mailto:natasha.khalfani@maryland.gov).

## **LJMM 02 18 2025 Written Testimony in Support of HB**

Uploaded by: Linda-Jeanne Mack

Position: FAV

**Written Testimony in Support of HB0944**  
**Family Law - Children in Need of Assistance and Termination of Parental Rights**  
**Submitted to the House Judiciary Committee**  
**Linda-Jeanne M. Mack, MSW, LICSW**  
**Date: February 18<sup>th</sup>, 2025**

Dear Chair Clippinger, Vice Chair Bartlett, and Members of the Judiciary Committee,

Today I am writing in **strong support of HB0944**, a bill that supports Maryland families by preventing unnecessary termination of parental rights (TPR). Research has shown that families who experience TPR, regardless of whether or not an adoption or guardianship for a child has occurred, live with a lifetime of grief, loss, and identity struggles. I submit this testimony as an individual with over 15 years of experience working with child welfare-involved families, where I have witnessed firsthand the complexities, challenges, and long-term consequences of TPR decisions from all angles.

Throughout my career, I have worked closely with families impacted by TPR including advocating for TPRs to be brought forward to secure permanency for children who are unable to go home, testifying in trials on behalf of children and parents against TPRs, and as a therapist working with individuals who had experienced a TPR. Through these experiences, I have seen the pain that comes with TPR decisions - a pain that continues throughout the lifecycle and may occur again and again for families who continue to have children while involved with child welfare services.

As a social worker who specializes in this field, I know that many parents have children early in life, or during a difficult time, may not be able to care for them. However, we are not who we were on our worst days, and it is unfair to use the loss of a former child to TPR, regardless of circumstance, to permanently separate another child from their parent. A parent may be in a very different position and perfectly capable of parenting a new child who deserves the opportunity to be parented by their biological parent.

As an example, when I was running a child welfare permanency program, a 10-year-old boy was placed in a pre-adoptive home. He had a strong relationship with his biological mother who had him as a teenager, but had been unable to care for him due to housing concerns and substance abuse. As he was stable where he lived for a few years and wanted to be adopted by his pre-adoptive family a judge ordered a TPR. About two years later, his sister Gina (name changed for confidentiality) was born and immediately brought to the attention of the child welfare agency. His mother had been in recovery for a year, was living in stable housing with the baby's father, and was doing quite well. When her daughter came to the attention of my foster care program with a goal of adoption, despite a mother cooperating with all service plan goals with a strong drive and desire to parent her daughter, we fought in court to reunify the family. As of the last time I heard, six years later, the family was stable, Gina was thriving and had no incidents of child welfare agency involvement since. If the dependency court had in fact acted under the sibling bypass to TPR without reasonable efforts as the law states, Gina would have grown up separated from her parents and likely adopted into a different family from her brother.

In conclusion, HB0944 is an essential step in recognizing that circumstances change, and parents who have demonstrated growth and stability deserve consideration for future parenting opportunities. I urge the committee to pass this bill to ensure that our child welfare system evolves to be more equitable, compassionate, and responsive to the realities of family life. Thank you for your time and consideration.

**Respectfully,**

Linda-Jeanne M. Mack, MSW, LICSW

Email: [ljmmack@gmail.com](mailto:ljmmack@gmail.com)

Phone: 860-305-5328



## **HB0944\_FAV\_DHS.pdf**

Uploaded by: Rachel Sledge Government Affairs

Position: FAV



DEPARTMENT OF HUMAN SERVICES

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

February 20, 2025

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

**RE: TESTIMONY ON HB0944 - FAMILY LAW - CHILDREN IN NEED OF ASSISTANCE  
TERMINATION OF PARENTAL RIGHTS - POSITION: FAVORABLE**

Dear Chair Clippinger and Members of the Judiciary Committee:

The Maryland Department of Human Services (DHS) thanks the Committee for its consideration and respectfully requests a favorable position for House Bill 944 (HB 944).

With offices in every jurisdiction of Maryland, DHS provides preventative and supportive services, economic assistance, and meaningful connections to employment development and career opportunities to assist Marylanders in reaching their full potential. Our Social Services Administration (SSA) implements Child Protective Services, serving children at risk of abuse or neglect who would be impacted by HB 944. The bill gives juvenile courts discretion to assess parental capability in Child in Need of Assistance (CINA) cases, rather than requiring courts to consider prior termination of parental rights (TPR).

Today, when a parent has parental rights terminated for one child, they are automatically at risk of losing parental rights for any additional children that may come to our attention in the future. Every family's situation is different and in most situations families deserve careful consideration of their present circumstances and capacities before the law permanently and irrevocably severs them from each other. The bill effectively repeals a statutory assumption that a Maryland parent's previous experience of terminated parental rights means they are permanently unable to provide safe care for their subsequently born child(ren). By restoring judicial discretion, HB 944 would enable courts to consider a parent's capacity to provide safe care for their child.

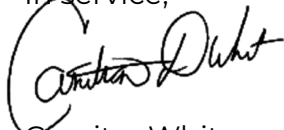
HB 944 aligns with similar systemic child welfare reform in [several other states](#).

We are committed to family preservation. Why? Because family matters. The changes proposed by HB 944 prioritize the people, children and families we serve throughout Maryland. The federal [Adoption and Safe Families Act of 1997](#) (ASFA) says that reasonable efforts to preserve and reunify a family are not required if the parent subjected the child to “aggravated circumstances.” ASFA does not exhaustively define “aggravated circumstances” but leaves it to state discretion to add aggravated circumstances. Complicating matters further, ASFA also requires states to terminate parental rights just because the child was in foster care for 15 out of 22 months, unless the state has good cause not to TPR. Therefore, ASFA creates a situation in which parental rights can be terminated just because of the amount of time a child is in care. It is possible for a parent to lose their legal rights to one child because of the amount of time their child spent in foster care, and then lose parental rights for younger children because their parental rights were previously severed.

HB 944 directs Maryland’s discretion by not including a parent’s prior experience of TPR in our definition of “aggravated circumstances” when determining whether to provide reasonable efforts to reunify the family. Under HB 944, courts would no longer be required to determine that a parent is ineligible for reunification services because the parent experienced a prior TPR. As a result, courts and local departments of social services would be empowered to consider the totality of a parent’s present circumstances when deciding whether to make reasonable efforts to preserve a family.

We appreciate the opportunity to offer favorable testimony to the Committee for consideration during your deliberations. If you require additional information, please contact Rachel Sledge, Director of Government Affairs, at [rachel.sledge@maryland.gov](mailto:rachel.sledge@maryland.gov).

In service,

A handwritten signature in black ink, appearing to read "Carnitra White", written over a circular stamp or seal.

Carnitra White  
Principal Deputy Secretary

## **Written Testimony - HB 944.pdf**

Uploaded by: Shanta Trivedi

Position: FAV

## Support HB 944

Family Law - Children in Need of Assistance and Termination of Parental Rights

Testimony of the Sayra & Neil Meyerhoff Center for Families, Children & the Courts, University of Baltimore School of Law

Thursday, February 20, 2025

House Judiciary Committee

Delegate Clippinger, Vice-Chair Bartlett and Members of the Committee:

Shanta Trivedi serves as the Faculty Director and Aubrey Edwards-Luce is the Executive Director of the Sayra and Neil Meyerhoff Center for Families, Children, and the Courts (CFCC) at the University of Baltimore School of Law. CFCC envisions communities where children and families thrive without unnecessary involvement in the legal system. We engage communities as we work tirelessly to transform systems that create barriers to family well-being. Additionally, Professor Trivedi teaches courses on Family Law and the Child Welfare System and writes about the child welfare system, particularly as it affects low-income and minority families. Professor Trivedi has also represented hundreds of parents who have been separated from their children or who were at risk of being separated while Director Edwards-Luce has represented hundreds of children in these proceedings. **We urge you to issue a favorable report on HB944.**

HB944 would remove a prior termination of parental rights (TPR) as an “aggravated circumstance” that excuses DSS from making “reasonable efforts” in a child welfare case. Reasonable efforts are the government’s responsibility to help families to stay together or to reunify once they have been separated. For example, the reasonable efforts requirement obligates DSS to provide services and supports to a family who may be struggling with food insecurity, substance use disorder, trauma or mental health concerns. The child welfare system is supposed to be rehabilitative and aims to prioritize reunification yet under current law, if a parent has had their rights to a child terminated in the past, DSS has no obligation to provide these important supports.

It is crucial therefore to understand how a TPR can occur and what the effects of the current law are. TPR is a permanent, irreversible severing of the parent-child relationship. For this reason, it is often referred to as the “civil death penalty.” As one mother described it:

[t]he parents’ names are removed from the birth certificate, erasing any record of the relationship, no matter how long the family was together prior, or how bonded they are. For many, that means the sudden and total cessation of contact. Sometimes, the agency arranges a final meeting, where the parent must try to explain to their child that this is the last time they will see each other, and why. Sometimes, they don’t get even that.<sup>1</sup>

TPR is deeply traumatizing for children, especially those who already have a relationship with their families. A legal proceeding that ends their familial relationship does not undo their biological and emotional connection and cannot erase their memories. In fact, many children continue to have contact with their biological families after TPR and may even return to the very families they were taken from if an adoption fails or once they are old enough.<sup>2</sup>

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<sup>1</sup> Elizabeth Brico, “The Civil Death Penalty”—My Motherhood Is Legally Terminated, FILTER MAGAZINE, (Jul. 13, 2020), <https://filtermag.org/motherhood-legally-terminated/>

<sup>2</sup> Piaadora Footman, *Two Steps Back- Many Adopted Teens are Ending Up Back in Foster Care. What Does That Mean for Children—and Their Parents?*, RISE MAGAZINE, (Jan. 8, 2013) <https://www.risemagazine.org/2013/01/two-steps-back/>

Under Maryland law, unlike in other states, there is no opportunity for a parent to petition for post-TPR contact, or to have their TPR reconsidered after a change of circumstances. Based on a directive from federal law, DSS is required to file a TPR if a child has been in foster care for 15 out of the prior 22 months – a completely arbitrary timeline. Those 15 months do not have to be consecutive. If the child is with kin or a court determines that it is otherwise not in their best interests to have their relationship with their parents terminated, TPR is not required but too often we fail to rely on these exceptions.

For a parent to reunify with their child, they must engage in certain services to address the initial allegations that brought the case to court. Many parents are required to do parenting classes, substance use treatment, anger management, therapy or mental health services. They are also often required to secure employment and have stable housing – difficult things to achieve for low-income families. If a parent is incarcerated or in immigration detention, most of these services are unavailable to them, making TPR an inevitability. If a parent is struggling with substance use disorder, relapse is a normal part of recovery but can lead to a child going back to foster care and a parent having to start from scratch. Mental health concerns, even with treatment do not always resolve in a neat timeline like the one prescribed. Thus, even when parents are doing their best, they may not always be able to meet the requirements in the necessary timeframe.

In comparison, the other aggravated circumstances include engaging in, facilitating or failing to protect a child, a sibling of the child or another child in the household from chronic or severe physical abuse, chronic and life-threatening neglect, sexual abuse, torture or death. Additionally, reasonable efforts are excused where a parent has been convicted of a crime of violence against the child or the other parent of the child or aiding or abetting, conspiring or soliciting to commit a crime of violence or abandoning the child. Being convicted of killing a child is very different to failing to secure appropriate housing or employment in the requisite timeline and having your rights terminated as a result.<sup>3</sup> Further, aggravated circumstances as a whole are arguably unconstitutional. TPR completely severs the fundamental right to parent under the 14<sup>th</sup> Amendment substantive Due Process Clause. If a state fails to make reasonable efforts, even assuming a compelling state interest, this is not the least restrictive means through which the state could meet its goal.

In many situations, parents have drastically changed their life circumstances between a prior TPR and their current child welfare case yet will not receive the benefit of supports to keep them with their current child because of this draconian and punitive law. As such, current law leads to absurd results. Many parents have struggled with substance use disorder in the past and have been in recovery for years, others have left the abusive relationships that caused them to have child welfare involvement, others have been released from incarceration and are trying to rebuild their lives. In some cases, parents have had rights to their children terminated as teenagers when they were themselves in the foster system and were not in a position to properly care for a child. 20 years later, that same parent could be in a stable familial relationship, be employed and housed and the state would not have to make reasonable efforts to keep them with their child if they had contact with the system.

**HB944** would correct the law to better meet the goals of the child welfare system – protecting children from unnecessary harm and trauma and ensuring parents have a chance to rehabilitate. We therefore urge a favorable report.

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<sup>3</sup>[Md. Code Ann., Cts. & Jud. Proc. § 3-812 \(West\)](#)

## **Written Testimony - HB 944.pdf**

Uploaded by: Shanta Trivedi

Position: FAV

## Support HB 944

Family Law - Children in Need of Assistance and Termination of Parental Rights

Testimony of the Sayra & Neil Meyerhoff Center for Families, Children & the Courts, University of Baltimore School of Law

Thursday, February 20, 2025

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It is crucial therefore to understand how a TPR can occur and what the effects of the current law are. TPR is a permanent, irreversible severing of the parent-child relationship. For this reason, it is often referred to as the “civil death penalty.” As one mother described it:

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For a parent to reunify with their child, they must engage in certain services to address the initial allegations that brought the case to court. Many parents are required to do parenting classes, substance use treatment, anger management, therapy or mental health services. They are also often required to secure employment and have stable housing – difficult things to achieve for low-income families. If a parent is incarcerated or in immigration detention, most of these services are unavailable to them, making TPR an inevitability. If a parent is struggling with substance use disorder, relapse is a normal part of recovery but can lead to a child going back to foster care and a parent having to start from scratch. Mental health concerns, even with treatment do not always resolve in a neat timeline like the one prescribed. Thus, even when parents are doing their best, they may not always be able to meet the requirements in the necessary timeframe.

In comparison, the other aggravated circumstances include engaging in, facilitating or failing to protect a child, a sibling of the child or another child in the household from chronic or severe physical abuse, chronic and life-threatening neglect, sexual abuse, torture or death. Additionally, reasonable efforts are excused where a parent has been convicted of a crime of violence against the child or the other parent of the child or aiding or abetting, conspiring or soliciting to commit a crime of violence or abandoning the child. Being convicted of killing a child is very different to failing to secure appropriate housing or employment in the requisite timeline and having your rights terminated as a result.<sup>3</sup> Further, aggravated circumstances as a whole are arguably unconstitutional. TPR completely severs the fundamental right to parent under the 14<sup>th</sup> Amendment substantive Due Process Clause. If a state fails to make reasonable efforts, even assuming a compelling state interest, this is not the least restrictive means through which the state could meet its goal.

In many situations, parents have drastically changed their life circumstances between a prior TPR and their current child welfare case yet will not receive the benefit of supports to keep them with their current child because of this draconian and punitive law. As such, current law leads to absurd results. Many parents have struggled with substance use disorder in the past and have been in recovery for years, others have left the abusive relationships that caused them to have child welfare involvement, others have been released from incarceration and are trying to rebuild their lives. In some cases, parents have had rights to their children terminated as teenagers when they were themselves in the foster system and were not in a position to properly care for a child. 20 years later, that same parent could be in a stable familial relationship, be employed and housed and the state would not have to make reasonable efforts to keep them with their child if they had contact with the system.

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# **HB0944 CPMC UNFAV.pdf**

Uploaded by: Diana Philip

Position: UNF

## 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.**<sup>1</sup>

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

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<sup>1</sup> 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.