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POSITION ON PROPOSED LEGISLATION

BILL: HB 1181: Children in Out-of-Home Placement - Voluntary Placement Agreements

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: 03/03/2026

The Maryland Office of the Public Defender (OPD) respectfully requests that the Committee issue a **favorable report for House Bill 0324, Family Law - Children in Out-of-Home Placement - Voluntary Placement Agreements (VPA)**. This legislation improves families' access to VPAs and helps cut through needless bureaucracy in order to help children receive the services that they need.

As the primary legal advocates for parents in Children in Need of Assistance (CINA) proceedings, our attorneys see firsthand how the state's administrative hurdles destabilize families. HB 1181 provides the necessary framework to ensure that VPAs function as the supportive interventions they were intended to be, rather than a gateway to unnecessary CINA filings.

Addressing the "Bureaucratic Nightmare" of VPA Applications

In our practice, we frequently see cases filed as CINA petitions not because of abuse or neglect, but because of the Department of Social Service's ("the Department") failure to complete the application for a VPA. Families seeking a VPA for a child with high-intensity behavioral needs are often met with months of delays and shifting eligibility requirements.

Due to the strict deadlines for certain paperwork, receiving evaluations or information even a day late can cause the entire process to restart from scratch. While the bureaucratic process is pending, the child is not receiving necessary services, and parents—already at a breaking point—continue to be desperate for assistance. HB 1181 streamlines these processes and mandates accountability, ensuring that paperwork delays do not result in the permanent disruption of the family.

Preventing the Forced "Refusal" of Hospital Discharge

When a child is medically cleared for discharge from a psychiatric hospital but cannot safely return home without intensive support, the lack of an immediate VPA creates a legal trap. Parents are often told that their only option to secure safety for their child is to "refuse to pick them up." This "refusal" triggers a neglect report and a CINA filing. HB 1181 addresses this by requiring direct referrals to behavioral health authorities and prohibiting the Department from requiring parents to relinquish legal custody to access these critical services.

Ending the "Impossible Choice" Between Safety and Parental Rights

Our attorneys represent many families with multiple children where one child's severe behavioral challenges pose a direct physical risk to their siblings. When the state fails to provide a timely VPA, these parents are backed into a corner: they must either keep a dangerous situation in their home, risking the safety of their other children, or leave the child at a hospital to force the state to act, which results in a CINA neglect allegation.

HB 1181 recognizes that out-of-home placement is often a medical necessity for the safety of the entire family unit. By ensuring that a parent can access these services without being forced to endure CINA proceedings, the bill ensures that a parent's responsible decision to protect their household does not result in the state stripping them of their fundamental rights to their child.

Conclusion

House Bill 1181 moves Maryland toward a system that treats behavioral health as a healthcare priority rather than a failure of parenting. It protects the integrity of the family unit while demanding accountability for the state's duty to provide safe, licensed care. For those reasons OPD requests a **favorable report**.