



Maryland Developmental Disabilities Council

CREATING CHANGE • IMPROVING LIVES

House Appropriations Committee

HB 768: Department of Human Services – Benefits for Children in Custody - Alterations

March 10, 2026

Position: Support

The Maryland Developmental Disabilities Council (Council) creates change to make it possible for people with developmental disabilities to live the lives they want with the support they need. As such, we support HB 768 as a critical step forward to improve the lives of children and youth with disabilities.

WHAT does this legislation do?

- Prohibits the Maryland Department of Human Services from using disability and survivor benefits of children in foster care to reimburse itself for the costs of care.
- Only allows the funds to be used for the child's current unmet needs or saved for their future needs.
- Requires DHS to frequently try to find someone who can serve as the child's representative payee so the Department does not service in that role.

WHY is this legislation important?

- **Protects children with disabilities who are in foster care.** Many children with disabilities have lifelong needs for care, equipment, or supports and services funded in part or in whole by their benefits. Allowing the complete benefits payment to be used for otherwise unmet needs while children are in foster care, and conserving benefits through an ABLE Account or special needs trust helps the DHS care for the child currently and set them up for success after foster care.
- **Supports a smooth transition, and improves lives.** Every year a handful of children with developmental disabilities age out of foster care and move directly into services provided by the Developmental Disabilities Administration. Having their benefits saved in an ABLE Account helps ensure access to things they need in their day-to-day lives, and increases their access to meaningful activities in their communities.

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