

HOUSE APPROPRIATIONS COMMITTEE

HOUSE BILL 1181: Family Law—Children in Out-of-Home Placement—Voluntary Placement

Agreements

March 3, 2026

POSITION: SUPPORT WITH AMENDMENT

Disability Rights Maryland (DRM), a non-profit legal advocacy organization, is the federally-mandated Protection and Advocacy agency for the State of Maryland, charged with defending and advancing the rights of individuals with disabilities. For more than 40 years, DRM has represented Maryland children, youth, and adults with disabilities, including, for approximately 15 years, children with disabilities in Child in Need of Assistance (CINA) proceedings in juvenile courts throughout the state. DRM continues to represent foster children in individual education cases and systemic litigation and provides support to CINA attorneys who seek DRM's expertise in complex disability-related matters. DRM has also received calls from many parents enmeshed in the voluntary placement agreement (VPA) process who are desperately seeking services for their children, some of whom are boarding in hospitals while awaiting placements.

At the outset, we want to make clear that no family should have to seek a VPA to obtain services for their child. However, Maryland does not have robust wraparound or crisis prevention and intervention services that would help families keep a child with significant needs at home with them. Since this is a systemic situation that cannot be remedied quickly, DRM appreciates that House Bill 1181 seeks to improve the VPA process for those parents who still must use it, and we submit this testimony in support of the bill with an amendment to clarify the types of placements that should be available to children and youth needing placement outside the home.

DRM is glad to see the provision stating that a child's parent or legal guardian does not have to exhaust all home-and community-based services prior to seeking a VPA. In our experience, by the time parents request a VPA, they have reached the breaking point; the time for provision of in-home or time-limited services has come and gone, and the situation has become unsalvageable. Many children whose parents seek VPAs have been hospitalized multiple times; these children often have psychiatric diagnoses or developmental disabilities and significant behavior and communication challenges. Families need access to intensive services well before they even contemplate a VPA; to require exhaustion of services at the point at which parents find themselves at the Local Care Team requesting a VPA simply delays the process, keeping

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children and youth either at home with families who cannot manage them, putting everyone at risk, or in the hospital awaiting placement. Although House Bill 1181 does not address pediatric overstays, other proposed legislation does; it is important to understand that many children in the VPA process remain in the hospital, not because they need to be there, but because the Department of Human Services (DHS) refuses to process VPA paperwork until a placement is found for the child. These children and youth are in limbo; parents are unable to meet their child's needs at home, but DHS will not accept responsibility until they locate a placement; DHS has made this clear in testimony during Maryland General Assembly briefings and hearings.

We appreciate that House Bill 1181 requires that a child who is the subject of a VPA request for psychiatric residential treatment and who is Medical Assistance-eligible must be referred directly to the local behavioral health authority. However, children with developmental disabilities or co-existing developmental disabilities and mental health or behavioral needs should not have to enter the DHS system through the VPA process simply to secure the services they need. DRM is pleased that the workgroup's mandate includes a requirement to study VPAs for children with developmental disabilities as well as children with mental illness.

DHS has consistently taken the position that VPAs are only an option for children who need residential treatment. However, the fact that a child needs out-of-home placement does not automatically mean that the child needs a residential treatment center. Children with disabilities who cannot be maintained at home and whose families seek VPAs may be able to be maintained in foster care or therapeutic foster care in the community, or in group homes or therapeutic group homes. We recommend that House Bill 1181 be amended to include a provision making this clear.

Finally, although DRM appreciates that House Bill 1181 contains a provision requiring the development of uniform criteria for waiving or reducing child support obligations for low-income families who enter into VPAs, we feel compelled to note that no parent of a child with a disability should have to bear child support costs to access the services their child needs as a result of their disability. DRM recommends that the workgroup also study this issue and make recommendations about how to eliminate child support requirements for all families.

For these reasons, DRM supports House Bill 1181 with amendment.

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