



DEPARTMENT OF HUMAN SERVICES

Wes Moore, Governor · Aruna Miller, Lt. Governor · Gloria Brown Burnett, Interim Secretary

February 26, 2026

The Honorable William C. Smith, Jr., Chair
Senate Judicial Proceedings Committee
11 Bladen Street
Annapolis, Maryland 21401

RE: TESTIMONY ON SB 650 - FAMILY LAW - CHILD ABUSE AND NEGLECT INVESTIGATIONS ("KNOW BEFORE THEY KNOCK" FAMILY RIGHT TO NOTICE ACT) - POSITION: INFORMATION

Dear Chair Smith and Members of the Judicial Proceedings Committee:

The Maryland Department of Human Services (DHS) thanks the Committee for its consideration and respectfully submits informational testimony for its consideration of Senate Bill (SB 650).

With offices in every one of Maryland's jurisdictions, DHS empowers Marylanders to reach their full potential by providing preventative and supportive services, economic assistance, and meaningful connections to employment development and career opportunities. DHS' Social Services Administration (SSA) oversees Maryland's Child Protective Services (CPS) program, which would be directly impacted by SB 650. This bill would require social workers with the local department of social services (LDSS) attempting to assess allegations of child abuse and neglect to provide both oral and written notice to the child's parent or guardian about their legal rights. The proposed notice resembles Miranda rights read aloud to criminal suspects interrogated in police custody, despite the fact that child welfare investigations are not criminal in nature.

Our CPS team worked extensively over the interim months to address the House sponsor's concerns, including revising our existing parents' brochure to make legal information clear and accessible. The updated brochure, titled "A Family Guide to Child Protective Services," is attached to our written testimony, and is distributed to families at initial contact as required under [COMAR 07.02.04.04 \(E\)](#). We are also prepared to publish similar, more detailed information on the DHS website. Both of those items are pending publication, as DHS is awaiting an informational video from the Office of the

Public Defender (OPD), the state agency better-positioned to provide legal counsel to Marylanders. We agree that greater transparency about legal information can help families better understand their legal rights and resources. However, choosing the appropriate messenger to deliver this information is vital. Social workers are not lawyers or process servers, and SB 650 would have them act outside the bounds of social work practice, unnecessarily escalating tension and creating confusion for families by conflating child welfare responses with criminal investigations.

Child Protective Services investigations and criminal investigations have different statutory purposes and authority. Social workers are responsible for investigating alleged child abuse and neglect, and assessing the child's well-being under [Family Law Art. §5-706](#) with strict timeliness requirements. Social workers do not have the authority to conduct criminal investigations, file criminal charges, give legal advice, make arrests, or prosecute alleged abusers. [National Association of Social Workers standards](#) confirm that social workers have a role in providing information about legal resources for parents, but not in the prescriptive notice model outlined in SB 650.

DHS worked hard to shift the culture of child welfare practice in Maryland by prioritizing collaboration with families, and moving away from an adversarial investigative approach to supportive alternative response when possible. DHS offers extensive [family preservation services](#) to prevent children from unnecessarily entering out-of-home (foster) care. We are proud of Maryland's [low rate](#) of children entering into out-of-home care, which is the second lowest in the nation, at 0.9 entries per thousand children. If passed as drafted, SB 650 would undermine the cultural shift toward supportive alternative responses that helped put Maryland into this position.

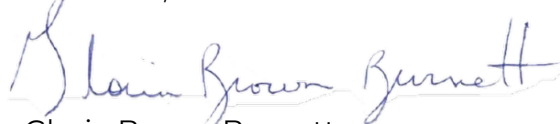
For over a decade, local departments of social services have used the [alternative response model](#) for low risk reports, at [the direction of the General Assembly](#). In alternative response, a social worker is required to collaborate with family members, jointly assessing the situation and developing service recommendations to ensure children's safety. The goal of alternative response is intentional partnership with families to safely divert an investigative response, which often comes with serious legal consequences. [SSA's Public Data Dashboard](#) (slide 2) shows that since January of 2024, nearly half of all DHS' Child Protective Services responses were conducted using the alternative response model. DHS is concerned that our meaningful cultural change built over years will dissipate under SB 650. Mandating legal *notice* as opposed to legal *information* would escalate tensions unnecessarily, driving eligible families to decline alternative response, and forcing local departments to assess low risk cases through investigative response.

DHS strives to be data-driven and heart-led, and is concerned that similar legal notice policies are associated with negative trends in child safety. For example, the Connecticut General Assembly enacted [Public Act No. 11-112](#) in 2011, a parent's rights bill with provisions substantially similar to SB 650, requiring that parents be notified of their right to refuse entry and speak with counsel. In the three years following implementation, child fatalities rose 45%, including a notable fatality where a parent denied the child welfare agency's entry on multiple occasions to assess the safety of the young person. In direct response to this tragedy, Connecticut was forced to narrow the scope of their original legal rights bill, passing [Public Act No. 18-67](#) in 2018.

DHS believes that families should be directed toward resources to address holistic legal needs with child safety implications, including tenant advocacy, domestic violence protective orders, temporary custody filings, and public benefits appeals. This type of program is known as prepetition legal representation, offered to families ahead of a court petition for state custody of the child. National policy stakeholders broadly support prepetition legal services, including the [American Bar Association's Center on Children and the Law](#), the [National Council of Juvenile and Family Court Judges](#), and the [Annie E. Casey Foundation](#). Pre-petition legal representation would effectively achieve our shared goals; preventing child abuse and neglect, protecting parents' rights, and strengthening and preserving families. OPD is already offering limited prepetition legal representation in Baltimore City and Baltimore County through its Better Together program, and the General Assembly could opt to expand the program. DHS continues to discuss with OPD additional ways of facilitating access to legal services for families with child welfare involvement, including increasing our referrals to the Better Together program and exploring federal resources to create a legal hotline for families.

We appreciate the opportunity to offer informational testimony to the Committee for consideration during your deliberations. If you require additional information, please contact Justin Hayes, Acting Director of Government Affairs, at justin.hayes1@maryland.gov.

In service,

A handwritten signature in blue ink that reads "Gloria Brown Burnett". The signature is written in a cursive style with a large initial "G".

Gloria Brown Burnett
Interim Secretary

WHAT HAPPENS AT THE CONCLUSION OF A CPS RESPONSE?

What CPS decides	What it means	How long the CPS record is kept	If you can appeal
Ruled Out	CPS did not find enough evidence of abuse/neglect	Removed after 2 years	N/A
Unsubstantiated	CPS couldn't tell if abuse/neglect happened	Removed after 5 years	Yes—within 60 days of the notice
Indicated	CPS found abuse/neglect happened	Kept indefinitely	Yes—within 60 days of the notice

Additionally, if CPS receives a request for background clearance information concerning employment or voluntary service, we may respond whether the individual has been found responsible for the indicated abuse or neglect, if no appeal is pending.

HOW ARE COMPLAINTS HANDLED?

Everyone has the right to be treated with dignity and respect by CPS during their response to a report of suspected child abuse or neglect. Local departments of social services train our team members to engage in open discussions with anyone who has a complaint about CPS involvement. We encourage anyone with a complaint to first discuss their concerns with their CPS worker. If that's not possible, you may also speak with the CPS worker's supervisor at the number provided on this form. You may also contact the Constituent Experience Office of the Maryland Department of Human Services at 1-800-332-6347.

WHO REPORTS ABUSE/NEGLECT?

Maryland law requires everyone in the state who has reason to believe that a child has been subjected to abuse or neglect to make a report to their local department of social services. Certain professionals—such as doctors, nurses, police officers, teachers, educators, and human services workers—are required to report suspected abuse or neglect, and may be sanctioned by their licensing board or employer if they fail to do so.

IS THE NAME OF THE PERSON WHO REPORTED ABUSE OR NEGLECT PUBLIC INFORMATION? ?

No. By law, under [Maryland Human Services Article 51-202](#), the identity of a person who reports suspected child abuse or neglect is confidential unless a court specifically orders its release. A person who makes a report of suspected abuse or neglect generally receives immunity in criminal or civil proceedings.

WHAT HAPPENS IF I DISAGREE THAT CPS NEEDS TO BE INVOLVED?

CPS encourages you to discuss the reasons why you do not believe CPS needs to be involved with your CPS worker. You can choose not to speak with your worker, but we are still required by law to complete our response or investigation. You may choose to consult with an attorney before speaking to a CPS worker. If we determine that services are needed to provide for a child's safety from abuse or neglect, and you do not agree, the local department of social services will petition the juvenile court to consider whether the child needs the court's assistance and supervision. The juvenile court will then ensure that you have a right to legal counsel and an opportunity to be heard, and a judge will decide whether further local department involvement is necessary.

HOME VISITS AND ENTRY

We visit homes to understand your family's circumstances and to make sure children are safe. You can ask to see our ID and we will tell you the purpose of our visit. We will always ask for your consent to enter and will not enter the household unless we have credible information that a child is likely in serious, immediate danger.

MEDICAL EXAMS

We seek your consent first for any medical exam of your child(ren). If you do not consent, and we believe a child is or may have been abused or neglected, Maryland law under [Family Law Article 55-712](#) allows CPS to consent for the child to receive an exam. The purpose of the medical exam is to determine the nature of abuse or neglect, and/or treat any emergency medical conditions identified during the exam. You may ask for the name of the provider, what the exam includes, and how you will receive results.

LAW ENFORCEMENT'S ROLE

We focus on child safety and family support. Police focus on investigating criminal allegations. We are required to investigate child sexual abuse cases together, but we handle other types of investigations or assessments independently. We are required by law to notify law enforcement of reports of child abuse or neglect, but we do not share information about unrelated matters. Our CPS staff are not police officers.

ADA ACCOMMODATIONS AND LANGUAGE ACCESS STATEMENT

Local departments of social services shall provide accommodations in accordance with the Americans with Disabilities Act (ADA), including language access and other necessary supports, to ensure equitable participation and effective communication for all individuals.

We hope this guide helps you understand the role of Child Protective Services and how it supports families and protects children. Do you have any further questions about specific services or procedures?

CONTACT INFORMATION

Your worker's name:

Your worker's contact information:

Your worker's supervisor:

Your worker's supervisor's contact information:

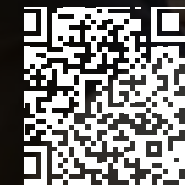
CASE TYPE

- Investigation
- Alternative Response
- Other _____



FAMILY GUIDE TO CPS

HOW CPS CAN SUPPORT YOU AND SERVICES THAT WE OFFER



WHO WE ARE AND WHAT WE DO (AND DON'T DO)

Child Protective Services (CPS) is part of your Local Department of Social Services (LDSS). Our job is to partner with families to reduce risks and keep children safe. We assess reported concerns, offer services, and, when needed, create safety plans with you. We are not law enforcement nor legal counsel; our focus is on child safety and family services.



WHAT IS AN INVESTIGATIVE RESPONSE? WHAT IS AN ALTERNATIVE RESPONSE?

By law, under [Maryland Family Law Article 5-706](#), CPS must see a child(ren) when we receive a report alleging child abuse or neglect and gather more information from the family. This initial step helps us determine the safety of the child, including other children in the household, and any other children cared for by the person who has allegedly committed child abuse and/or neglect. Depending on the risk level of the report, we could pursue either an alternative response (low-risk) or an investigative response (high-risk):

Alternative Response	Investigative Response
For some lower-risk reports, CPS may attempt to resolve the report of child abuse or neglect through Alternative Response. It starts with an open conversation with your family about safety concerns raised in the report. The goal is to develop strategies that you agree to implement to ensure your child's safety. CPS will provide or refer you to services to support your family in achieving those objectives.	In an Investigative Response, CPS determines the nature and cause of the abuse or neglect and determines what services that best serve the child's interests and help the family. In some situations, if the family agrees that accept services to address child safety and prevent abuse or neglect, an investigation may be converted to an Alternative Response.

HOW CAN CPS SUPPORT, AND WHAT SAFETY SERVICES MAY BE OFFERED?

CPS may offer community-based supportive services to empower families to provide for the safety, emotional support, and financial needs of children. The goal is to identify factors that may be impacting the family's well-being and support families to maintain stable and nurturing homes for children. We may offer referrals for services such as:

- Parenting skill building
- Domestic violence interventions
- Counseling
- Substance abuse assessments and treatment
- Other assistance program(s)



If necessary, we may offer you the opportunity to collaborate on creating a written safety plan that outlines specific actions needed to prevent abuse and manage any identified risk factors. Safety plans are time-limited and routinely re-evaluated. More information about CPS and Safety Plans can be found on the DHS website at this [link](#).

If we determine that services and safety plans cannot provide for a child's safety and that abuse or neglect has occurred, the local department of social services may petition the juvenile court to consider whether the child needs the court's assistance and supervision. If the local department seeks court involvement, a child and the child's parents will have the opportunity to participate in a hearing before a judge.

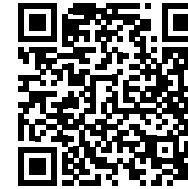
The child and the child's parents have the right to counsel in every stage of the juvenile court proceedings, and an attorney may be appointed for a parent at no cost if the court determines the family is financially eligible.

If the juvenile court finds the child to be in need of assistance (a "CINA"), the court may then maintain the child in a parent's home with restrictions ordered by the court to ensure the child's safety. If the court orders the child to be placed outside the home, the local department will prioritize placement with kin.

Before court involvement, CPS may remove the child from the household if it determines that the child is in serious, immediate danger. If this happens, a judge will conduct an emergency hearing to determine if temporary placement of the child outside the home continues to be warranted.

WHAT ARE MY RIGHTS AND RESPONSIBILITIES AS A FAMILY MEMBER IN A CPS INVESTIGATIVE OR ALTERNATIVE RESPONSE? WHAT LEGAL RESOURCES ARE AVAILABLE TO ME?

For more information on your rights and legal resources available to you, please see more details on the DHS website at this QR code. Maryland Department of Human Services cannot provide you with legal advice, guidance, or recommendations. However, our website provides resources where you can seek outside legal counsel, including an informational video from the Maryland Office of the Public Defender.



IMPORTANT NOTE FOR FEDERALLY RECOGNIZED INDIAN TRIBES

If you or your child is a member of a federally recognized Indian tribe or eligible for membership in such a tribe, please inform your CPS worker of your tribal affiliation because that will provide you with specific rights and additional services.

HOW IS MY CONFIDENTIALITY PROTECTED?

Maryland law protects the confidentiality of all information that you share with us. Under Maryland law, [Human Services Article §§ 1-201 and 1-202](#), all CPS records, and other Local Department of Social Services records concerning child welfare services, are considered highly confidential and generally cannot be disclosed unless necessary to protect children or provide services. We maintain those records in secure systems and facilities accessible only to authorized personnel. The limited



exceptions to confidentiality generally permit CPS to share information only when needed to carry out official duties or to assist in providing services to the child or the family. We may also share certain child abuse and neglect information if necessary to prevent further abuse or neglect at the child's school or child care facility.

WHAT HAPPENS AT THE CONCLUSION OF A CPS RESPONSE?

At the conclusion of a CPS response, you may receive a referral to the LDSS's Family Preservation Services program. This program offers ongoing access to services and service referrals to support your family in providing a safe and nurturing environment for your child(ren).

Following an Alternative Response, we will provide family members who participated in the Alternative Response assessment with information regarding any services needed to address child safety. With an Alternative Response, CPS does not make a finding about whether the alleged abuse or neglect occurred or who might be responsible.

At the conclusion of a CPS Investigative Response, we determine whether the abuse or neglect reported occurred and, if it occurred, whether any person was responsible for the abuse or neglect.

- If CPS finds that the evidence does not support a conclusion that abuse or neglect occurred, CPS will close the investigation with a finding of "ruled out."
- If CPS is unable to determine whether the abuse or neglect occurred, CPS will enter a finding of "unsubstantiated."
- If CPS finds that the abuse or neglect did occur, CPS will enter a finding of "indicated" and then determine if an individual was responsible for the abuse or neglect.

We aim to complete our investigation within 60 days and will provide the alleged maltreater (an individual who has allegedly committed child abuse or neglect) with written notice of its findings after the investigation is completed. An alleged maltreater may appeal findings of "unsubstantiated" or "indicated" by following instructions provided in the written notice.

Unless there's a new report of abuse or neglect:

- CPS records with a "ruled out" finding will be removed after two years.
- Records with an "unsubstantiated" finding will be removed after five years.
- Records with an "indicated" finding are kept indefinitely.

