



NATASHA DARTIGUE
PUBLIC DEFENDER
KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER
HANNIBAL KEMERER
CHIEF OF STAFF
ELIZABETH HILLIARD
DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: House Bill 1290 - Child In Need of Assistance- Proceedings- Child's Right to Be Present

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: 04/2/26

The Maryland Office of the Public Defender (OPD) respectfully requests that the Committee issue a **favorable report for House Bill 1290, as amended, Child In Need of Assistance- Proceedings- Child's Right to Be Present**. If enacted, House Bill 1290 would codify a child's right to be present at Child In Need of Assistance hearings.

This testimony is provided by OPD's Parental Defense Division (PDD) which represents parents from all 24 counties in Maryland who are involved in the various stages of Child In Need of Assistance (CINA) cases. Our multidisciplinary legal team, including dedicated attorneys, licensed social workers, and parent advocates with lived-experience in the Department of Social Services (DSS) system, ensures that families receive high quality legal representation during their CINA and Termination of Parental Rights (TPR) cases.

CINA cases are the proceedings in which the court determines whether a child has been abused or neglected. If the Court finds that a child has been abused, the court will then determine whether that child is a Child In Need of Assistance requiring the court's supervision to maintain safety. The court in those proceedings also determine whether a child should be placed in foster care, what services the child and family are to receive in order to reunify when a child is separated from his or her family and which permanency plan is in the best interest of the child.

Within these proceedings, the parties include DSS who brings the case and is responsible for providing placement for the child and reunification services to the family, the child, and the parents. Each party is represented by their own attorney.

The Child's attorney represents the expressed interests of the child. Which means, as long as the child has considered judgment, which means the child can tell their attorney what they want and why they want it, then the attorney is to advocate for what that child wants; as they would an

adult client. Only when a child does not have considered judgment does the child's attorney represent what they believe to be in the child's interest.

When children attend court, they can hear the proceedings, speak to the court directly, and offer any necessary additional information. It is critical that children be physically present for their court proceedings because child welfare hearings are not static reviews of a fixed record; they are dynamic proceedings in which new information, concerns, and decisions emerge in real time. Placement changes, visitation issues, service barriers, educational disruptions, and safety concerns frequently arise during the hearing itself through testimony, proffers, or argument. A child's presence allows counsel and the court to respond immediately to those developments, to clarify facts, and to ensure that the child's voice is not filtered solely through secondhand accounts. Particularly in CINA and permanency matters, where decisions have immediate and profound consequences, the ability of the child to confer with counsel during the proceeding ensures accurate representation and promotes more informed judicial decision-making.

Furthermore, a child's presence and interactions with their parents in court provides the judge with critical, firsthand observations that would otherwise be unavailable. For instance, a report may suggest a strained parent-child relationship and a child's reluctance to see a parent. Yet, if the child is present in court, they might display affection and comfort with the parent that strongly contradicts tDSS's depiction. This personal observation is invaluable for the court in determining the child's best interest.

OPD understands that HB 1290 has been amended from its original form to only include language that states, "A child who is the subject of a CINA proceeding under this subtitle has a right to be present at the proceeding." We are in agreement with this amendment.

For these reasons we urge the Committee to issue a favorable report as amended for House Bill 1290.

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

Authored by: Natasha Khalfani, natasha.khalfani@maryland.gov.