

Support SB650

Family Law – “Know Before They Knock” Family Right to Notice Act - Testimony of Meyerhoff Center for Families, Children and the Courts.

Tuesday, February 24, 2026

Judicial Proceedings Committee

Chair Smith, Vice-Chair Waldstreicher and Members of the Committee:

Shanta Trivedi serves as the Faculty Director and Aubrey Edwards-Luce is the Executive Director of the Sayra and Neil Meyerhoff Center for Families, Children, and the Courts (CFCC) at the University of Baltimore School of Law. CFCC envisions communities where children and families thrive without unnecessary involvement in the legal system. We engage communities as we work tirelessly to transform systems that create barriers to family well-being. Additionally, Professor Trivedi teaches courses on Family Law and the Child Welfare System and writes about the child welfare system, particularly as it affects low-income and minority families. Professor Trivedi has also represented hundreds of parents who have been separated from their children or who were at risk of being separated while Director Edwards-Luce has represented hundreds of children in these proceedings. **We urge you to support SB650.**

SB650 ensures that child welfare and law enforcement agents advise parents of their rights upon commencement of a child protective investigation. It does not add any new rights, rather, it simply educates parents on their existing rights, allowing them to make informed decisions throughout the investigation process.

It is important to understand how a child protective investigation works. Each case generally begins with a call to a hotline. Sometimes, mandated reporters such as teachers, social workers, police officers call CPS because of concerns related to a child they have contact with. In other cases, laypeople including neighbors, friends, family, ex-partners, people on the street make a report – often with limited information or in the worst cases, out of spite. Once a call is made, CPS determines whether what is alleged meets the definition of abuse or neglect and, if it does, it will proceed to an investigation.

In 2021, 21,234 of Maryland’s children and their families were subjected to a child welfare investigation. After investigation, the Department of Social Services concluded that there was maltreatment in only 27 percent of those cases.¹ Thus, almost 75 percent of those children and their families were subjected to unnecessary intrusions into their lives. And not all families face the same risk – nationally, over 50% of Black children will be subject to an investigation before they turn 18, which is nearly double the rate of white children.²

Investigations, even if they do not lead to a removal, can cause extreme harm to children. Children are awakened in the middle of the night by strangers, they are asked deeply intrusive questions about their parents and their lives, they are often asked about sex, sometimes hearing words related to sexual activity for the first time in their lives. They are also asked to remove their clothing so that strangers can inspect their naked bodies for marks and bruises, even when there are no allegations of physical harm. Child protective services CPS investigators pull children out of their classrooms, alerting their peers and educators to the fact that they are part of a child welfare investigation causing deep humiliation.³ And throughout all of this, these children understand that the threat of removal is ever-looming and at any moment, they could be taken from their parents.

¹ *State-Level Data for Understanding Child Welfare in the United States*, CHILD TRENDS, <https://www.childtrends.org/publications/state-level-data-for-understanding-child-welfare-in-the-united-states>

² Shereen A. White and Stephanie Persson, Racial Discrimination in Child Welfare Is a Human Rights Violation—Let’s Talk About It That Way, American Bar Association, <https://www.americanbar.org/groups/litigation/resources/newsletters/childrens-rights/racial-discrimination-child-welfare-human-rights-violation-lets-talk-about-it-way/>

³ See e.g. HINA NAVEED, HUMAN RIGHTS WATCH, IF I WASN’T POOR, I WOULDN’T BE UNFIT: THE FAMILY SEPARATION CRISIS IN THE US CHILD WELFARE SYSTEM 63 (Nov. 17, 2022) available at <https://www.hrw.org/report/2022/11/17/if-i-wasnt-poor-i-wouldnt-be-unfit/family-separation-crisis-us-child-welfare> (A caseworker visited the children’s school and pulled them from class to question them, came to the home unannounced, and randomly strip searched the children, ages 1, 4, 7, 9, and 10, to check their bodies for signs of abuse. Adaline said these visits were so frightening for her children that her youngest child began screaming every time she saw anyone with a badge.)

Nationwide, states are passing laws to ensure that parents know their rights during CPS investigations. To date, Connecticut, Texas, Florida, Montana and Arizona have all passed these laws and New York and Delaware have introduced similar legislation. Maryland should join these states to be leader on this issue – making clear that we too believe that families deserve to know their basic constitutional rights to prevent government overreach while simultaneously ensuring that children are safe through other provisions of law.

Opponents have raised concerns that this bill would impede CPS's ability to do its job, but there is no evidence that that is true. On the contrary, states that have passed similar laws have found that they keep children safer because transparency from the agency encourages families to be more forthcoming.⁴

Further, the investigation is just the first step. Once the door is open, children can be removed from their families and if the case proceeds, some parents will have their rights to their children permanently. One might think that these drastic measures only occur in the worst situations, but that is not the case. Children are removed because their parents lack stable housing, because their parents have mental health struggles, because they are experiencing domestic violence or because they were left unsupervised for short periods of time. Further, once removed, if a child remains in the system for 15/22 months, the state is required to file a petition to terminate parental rights. For families struggling with poverty, their mental health, incarceration or substance use disorder this timeline can be a death sentence.

The goal of the child welfare system is to protect children. Because we believe this bill is an important step in ensuring that Maryland's children do not experience unnecessary harm at the hands of those charged with safeguarding their well-being, **we urge you to support SB650.**

⁴ Eli Hager, *Police Need Warrants to Search Homes. Child Welfare Agents Almost Never Get One*, PROPUBLICA (Oct. 13, 2022) <https://www.propublica.org/article/child-welfare-search-seizure-without-warrants>