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Testimony before the Senate Judiciary Committee
Senate Bill 650
Family Law – “Know Before They Knock” Family Right to Notice Act
February 26, 2026
****FAVORABLE WITH AMENDMENT****

The Franklin Law Group, P.C. (FLG) is a child advocacy law firm that provides legal representation to children in abuse and neglect proceedings since 2007 in multiple jurisdictions across the State of Maryland.ⁱ We request this Committee issue a favorable report with amendment.

This bill would require a certain on-site interview following a report of suspected child abuse to be with the child’s parent or guardian rather than the child’s caretaker; require a local department of social services or a law enforcement agency to provide certain notice to a parent or legal guardian of a child at a certain time during an investigation of suspected child abuse or neglect; and generally relating to child abuse and neglect.

Child safety and well-being is paramount

The problem with this bill is the inherent tension between the rights of parents and children. Parents’ and children’s rights are constitutionally protected through the Due Process Clause of the 14th amendment and established in case law.ⁱⁱ Relatedly, the right to family integrity is important to uphold in any action that may deprive the child or parent(s) of their rights to maintain their familial unit.ⁱⁱⁱ However, when the rights of the child and parent(s) are in conflict because of suspected danger to the child, parents’ rights must yield to the child’s rights to ensure the child’s safety and well-being. Hence, the child’s interests are paramount and cannot be abrogated because the child’s welfare is of “transcendent importance.”^{iv} Consequently, this tension-filled bill requires the legislature to legislate at the margins. Meaning, the most vulnerable must be viewed as the intended benefactor of this bill, and that is the child. To be sure, balancing the best interests of the child and the parents’ rights must be considered.^v Maryland case law has consistently found that the rights of the child always override the parents’ rights when considering the child’s best interest.^{vi} This bill as written forecloses this protection.



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Recommendations to balance the proposed bill

This bill presents an unbalanced application of the rights enshrined in the U.S. Constitution and case law for children and parents. It prioritizes the rights of parents over the rights of the child. However, it can be fixed by striking and maintaining the following language from the bill:

- (c) (2) – Should **MAINTAIN CARETAKER** and include proposed language **PARENT OR LEGAL GUARDIAN.** (p. 2).
- **E (1) (I) AND (IV) SHOULD BE STRICKEN.** (p. 3).
- **E (1) (VIII) SHOULD BE KEPT IN PART AND STRICKEN IN PART. “...A RELEASE OF MEDICAL INFORMATION FOR THE CHILD” SHOULD BE STRICKEN.** (p. 4).
- [(r)](S) (1) (2) (3) – Should **MAINTAIN CARETAKER** and include proposed language **LEGAL GUARDIAN.** (p. 8).

For these reasons, we request this Committee to issue a favorable report with amendment.

ⁱ We advocate for children and youth’s human right to safety, development, and well-being in five (5) jurisdictions across the State of Maryland – Baltimore City, Anne Arundel, Baltimore, Frederick, and Howard Counties.

ⁱⁱ *In re Yve S.*, 373 Md. 551 (2003); *Troxel v. Granville*, 530 U.S. 57 (2000); U.S. Const. amend. XIV, § 1.

ⁱⁱⁱ *Santosky v. Kramer*, 455 U.S. 745, 759 (1982); *Stanley v. Ill.*, 405 U.S. 645, 652 (1972).

^{iv} *In re Najasha B.*, 409 Md. 20, 33 (2009).

^v *In re Mark M.*, 365 Md. 687 (2001); *In re Yve S.*, 373 Md. at 569-570 (2003) (court must weigh the “competing interests and the state’s interest...to protect the child’s best interests as *parens patriae*” when determining whether temporary removal is warranted).

^{vi} *In re Adoption/Guardianship No. 10941*, 335 Md. 99, 113 (1994) (stating “the controlling factor...is...what best serves the interest of the child); *In re Danielle B.*, 78 Md. App. 41, 44-45 (1989).