

HB1290 – Child in Need of Assistance Proceedings –

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY

HB1290 – Child in Need of Assistance Proceedings – Child’s Right to Be Present

Bill Sponsor: Delegate Woods

Committee: Judicial Proceedings

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Aileen Alex, CoChair

Position: FAVORABLE

I am submitting this testimony in support of **HB1290** on behalf of the Maryland Legislative Coalition. We are an association of unpaid citizen advocates—individuals and grassroots groups in every district across the state—representing and supporting more than 30,000 Marylanders.

Children in Child in Need of Assistance (CINA) cases often experience instability, trauma, and uncertainty. I believe that allowing kids to be present when decisions are made about their safety, placement, and well-being helps restore a sense of agency and ensures that their voices do not continue to be lost in a system that is supposed to protect them.

HB1290 takes an important step toward strengthening fairness and transparency in Maryland’s child welfare system by ensuring that children involved in proceedings have the right to be present. As the bill summary explains, HB1290 authorizes a child to attend their own proceeding. This ensures that children—whose lives and futures are directly affected—are not unnecessarily shut out of the process. When exclusion is necessary, HB1290 ensures that it is done thoughtfully, with the child’s best interests at the center.

HB1290 aligns with the mission of the Maryland Legislative Coalition. Our work centers on transparency, accountability, and social justice. Ensuring that children have the opportunity to be present in proceedings that profoundly affect their lives is consistent with those values and strengthens Maryland’s commitment to a fair and humane child welfare system.

For these reasons, we respectfully urge a **FAVORABLE** report on HB1290.

HB1290 CPMC FAV JPR.pdf

Uploaded by: Diana Philip

Position: FAV

THE COALITION TO PROTECT MARYLAND'S CHILDREN

Our Mission: To combine and amplify the power of organizations and citizens working together to keep children safe from abuse and neglect. We strive to secure budgetary and public policy resources to make meaningful and measurable improvements in safety, permanence, and wellbeing.



**HB1290 – Child in Need of Assistance - Proceedings -
Child's Right to be Present
Senate Judicial Proceedings Committee
April 2, 2026**

Position: SUPPORT

The Coalition to Protect Maryland's Children is a consortium of organizations and individuals formed in 1992 who are concerned about the care of Maryland's most vulnerable children and work together to educate and promote meaningful child welfare reform. **CPMC urges a favorable report on HB1290 – Child in Need of Assistance - Proceedings - Child's Right to be Present.**

Children in Need of Assistance (CINA) cases involve allegations of abuse, neglect, or a caregiver's inability to provide proper care. Unlike family law cases, children are parties with the full rights of a party to CINA actions. Maryland law explicitly recognizes the profound significance of these matters and the presumption that children should be present.

Judges, magistrates, and attorneys for children are required to complete training related to these vulnerable children. Because children are the subjects of the proceedings, their presence fosters accuracy, fairness, and dignity in a process that profoundly shapes their lives. HB1290 codifies what many Maryland judges and child welfare agencies have already recognized: **that children should be present and excluded only for carefully justified reasons.**

Subsection (A) establishes a default rule — the child has the right to be present — which strongly aligns with trauma-informed judicial principles and promotes agency, voice, and participation for youth. This is consistent with national best practice frameworks and Maryland's own emphasis on ensuring that children understand the proceedings and feel heard.

Under Subsection (B), exclusion is allowed only if:

1. The child's attorney determines that attendance is not in the child's best interest and documents a knowing waiver; or
2. The court makes on the record findings that exclusion serves the child's best interest.

This is consistent with the treatment of privileged communications in the Family Law Article, which protects the child's communications with counsel and recognizes counsel's unique role in representing children.

Subsection (C) properly requires courts to consider less restrictive alternatives before excluding children. This includes adjusting hearing schedules, allowing remote participation, providing trauma informed support, and limiting the child's time physically in the courtroom, if necessary. Such measures align with modern trauma responsive judicial practices and Maryland's consistent efforts to minimize system imposed emotional harm while preserving meaningful participation.

Subsection (D) appropriately prohibits a waiver of the child's presence. Permanency planning consultations are structured opportunities for the child to express their preferences directly to

the court. Prohibiting attorneys from waiving the child's presence protects the child's voice at these crucial junctures and strengthens the integrity of permanency planning decisions—consistent with the principle that the child's perspective must be an essential part of best interest analysis. These proceedings are separate and apart from other hearings.

Though Maryland law provides procedural protections in CINA cases, there is currently no explicit statewide standard guaranteeing a child's right to be present. We have been made aware by CINA attorneys that not all jurisdictions are allowing children to be present. CINA hearings involve decisions on placement, reunification, permanency plans, and safety, matters that shape the child's entire future. Clarifying this right:

- promotes uniformity across jurisdictions
- reduces arbitrary exclusion
- encourages relational and procedural transparency
- ensures youth are not inadvertently silenced

This legislation ensures that Maryland's courts remain aligned with the highest standards of child welfare practice. Grounded in Maryland statute, case law, and child welfare best practices, CPMC **urges a favorable report on HB1290 – *Child in Need of Assistance - Proceedings - Child's Right to be Present.***¹

¹ Members of CPMC represented by this written testimony include – the American Academy of Pediatrics - Maryland Chapter, Child Justice, Center for Hope, Citizen's Review Board for Children, Court Appointed Special Advocates (CASA - Baltimore County), The Family Tree, Maryland Association of Resources for Families and Youth (MARFY), Maryland Children's Alliance, Maryland Coalition Against Sexual Assault, Maryland Legal Aid, Maryland Network Against Domestic Violence, National Association of Social Workers – MD (NASW), the State Council on Child Abuse & Neglect (SCCAN), and individual members of this coalition.

HB1290- Maryland Legal Aid - FAV260402 Written Tes

Uploaded by: Erica LeMon

Position: FAV



**HB1290 - Child in Need of Assistance – Proceedings – Child’s Right to be Present
April 2, 2026
Position: FAVORABLE**

Maryland Legal Aid submits written and oral testimony on HB1290 at the request of its sponsor, Delegate Jamila J. Woods.

Maryland Legal Aid asks that the Committee report **favorably** on HB1290, which authorizes a child who is the subject of a child in need of assistance proceeding to be present at the proceeding; and authorizes the court to exclude the child from a proceeding under certain circumstances and after considering certain alternatives. Maryland Legal Aid serves residents in each of Maryland’s 24 jurisdictions, providing free legal services to the State’s low-income and vulnerable residents in a range of civil legal matters. Maryland Legal Aid is Maryland’s largest civil non-profit law firm, representing vulnerable young people in Child in Need of Assistance (CINA) matters across the State. This proposed legislation is grounded in a simple but critical principle: a child’s voice matters.

Maryland Legal Aid’s staff represent thousands of children in CINA and Guardianship (“TPR”) proceedings throughout the state. Our attorneys represent children from infancy to young adulthood continuously, while under the jurisdiction of the juvenile court, including when the youth transitions from foster care to adulthood. As a result of its extensive work in the field, Maryland Legal Aid has expertise in matters concerning child welfare and children in foster care.

CINA proceedings determine where a child will live, whether they will be reunified with family, and what their future will look like. Ensuring that children can be present and heard strengthens both the fairness and the quality of those decisions. In 2024, Maryland had 3,605 children in foster care, which illustrates the scale of critical court decisions affecting children’s lives.¹

Maryland law recognizes that children in CINA proceedings are entitled to counsel at every stage of the case; the statute requires that a child “shall be represented by counsel,” reflecting that children have independent rights and interests that must be protected.² Maryland uses a hybrid client-directed and/or best interest model of representation. If the attorney concludes that a child has considered judgment, they should advocate for the position of the child as they would for any adult client.³ Representation alone, however, is not sufficient to ensure that the child’s opinions,

¹ U.S. Dep’t of Health & Hum. Servs., Child Welfare Outcomes Data Site: Maryland (2023), <https://cwoutcomes.acf.hhs.gov/cwodatasite/byState/maryland/>.

² Md. Code Ann., Cts. & Jud. Proc. § 3-813 (2024).

³ Md. R. Att’ys App. 19-C 2(a)–(b). Provides that the attorney for the child is responsible for determining
a. “whether the child has considered judgment;” and
b. “whether the presence of the child at the proceedings will be waived,” including whether the child “wants or needs to be present” or “will be harmed by appearing in court.”

needs, and interests are centered in the critical legal proceedings that impact their lives. HB1290 promotes and protects a child's right to be present at their own hearings.

An attorney does not replace the child's voice. Even the most skilled advocate cannot fully replicate a child's lived experience, their perspective, their concerns, or their understanding of safety and family. When children are not present, their opinions are filtered through others, and something essential is lost. Their voices are effectively muted, and their ability to meaningfully participate in decisions that directly affect their lives is limited. This bill ensures that children have the right to be present in these proceedings, making their existing rights more meaningful in practice.

HB1290 aligns the Family Law Statute with Maryland Rule 11-109's Presumption of the Child's Presence. Maryland Rule 11-109 (Production of Child) already sets a clear expectation of a child's attendance at their own CINA hearings: "Unless the child's presence is excused by the court for good cause, the child's custodian shall bring the child to all hearings under the Rules in this Title." The Rule adds that "[a]n attorney for the child may waive the child's presence in any proceeding other than a delinquency proceeding or a child consultation pursuant to Code, Courts Article, § 3-823(j)."⁴ HB1290 codifies and clarifies this presumption in statute for CINA matters, strengthening uniformity across jurisdictions and ensuring that any exceptions to a child's presumptive presence in court are truly grounded in good cause and the child's well-being

This statutory alignment also complements federal requirements. Congress has long required courts conducting permanency hearings to consult, in an age-appropriate manner, with the child regarding the proposed permanency or transition plan, and more recently to ask the child about the desired permanency outcome at each hearing.⁵

The American Bar Association Center on Children and the Law has found that children who attend and actively participate in their hearings are more likely to understand the proceedings, trust the process, and feel that their voices have been heard.⁶ When children are excluded from their

⁴ Md. R. 11-109 (2022).

⁵ 42 U.S.C. § 675(5)(C) (2024) (requiring age-appropriate consultation with the child at permanency hearings). 42 U.S.C. § 675a(a)(2)(A) (2024) (A court must "[a]sk the child about desired permanency outcome for the child" at each permanency hearing).

⁶ "When placed in foster care, youths' lives are turned upside down and decisions are often made without their input. They lose control over many facets of their lives. Youth feel empowered and more in control when they are allowed to provide input to the decision makers about issues that affect them. Judges make critical decisions about placement, education, permanency, visitation with family, and well-being needs. Involving youth in the decisions about these topics empowers them." ABA Bar-Youth Empowerment Project & Nat'l Child Welfare Res. Ctr. on Legal & Jud. Issues, *Engaging Youth in Court: Sample Court Policy*, Child L. Prac. (May 2011),

hearings, they are left to piece together what happened from others. Empirical research confirms the benefits of children attending their own hearings without evidence of harm. A controlled study of youth participation in foster-care review hearings found "no evidence of high distress immediately preceding or following their hearings" among attending youth and that those who attended "reported more positive feelings about the dependency process (e.g., trust in judge, perceived fairness, and more comfort with their guardians ad litem and caseworkers).⁷ Their participation leads to more informed and more accurate decision-making. Children can clarify misunderstandings, express their wishes, and provide insight that no report or subsequent secondhand account can capture.

HB1290 affirms that children are not merely the subject of these proceedings; they are participants in them and deserve to be present so they can be involved in the decisions that directly affect their lives. By aligning with Maryland Rule 11-109 and longstanding federal requirements, HB1290 strengthens the fairness, accuracy, and legitimacy of CINA decisions in every courtroom in our state.

Maryland Legal Aid urges the Committee to issue a FAVORABLE report on House Bill 1290 and urges its ultimate passage. If you have any questions, please contact: Erica I. LeMon, Advocacy Director for Children's Rights at elemon@mdlal.org (410) 951-7648 or (410) 935-0937.

https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/child_law_practice/vol30/may_2011/engaging_youth_incourtsamplecourtpolicy/.

⁷ "Overall, the findings suggest that policies encouraging children's attendance at dependency hearings are viewed positively by and not harmful to children." Victoria Weisz, Twila Wingrove, Sarah J. Beal & April Faith-Slaker, Children's Participation in Foster Care Hearings, 35 Child Abuse & Neglect 267 (2011).

HB1290_DHS_FAV (JPR).pdf

Uploaded by: Gloria Brown-Burnett

Position: FAV



DEPARTMENT OF HUMAN SERVICES

Wes Moore, Governor · Aruna Miller, Lt. Governor · Stacy L. Rodgers, Acting Secretary

April 2, 2026

The Honorable William C. Smith, Jr., Chair
Senate Judicial Proceedings Committee
2 East Miller, Senate Office Building
Annapolis, Maryland 21401

RE: TESTIMONY ON HB 1290 - CHILD IN NEED OF ASSISTANCE - PROCEEDINGS - CHILD'S RIGHT TO BE PRESENT - POSITION: FAVORABLE

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 requests a favorable report on House Bill 1290 (HB 1290). HB 1290 was reported favorably with amendments that DHS supports and passed 133-0.

With offices in every one of Maryland's jurisdictions, DHS provides preventive and supportive services, economic assistance, and meaningful connections to employment development and career opportunities to help Marylanders reach their full potential. Our Social Services Administration (SSA) implements child welfare programs throughout the state which are affected by HB 1290. HB 1290 authorizes a child who is the subject of a child in need of assistance (CINA) court proceeding to be present at the proceeding. Most importantly, it does not compel the child to attend but ensures that they are afforded the ability to do so if they desire.

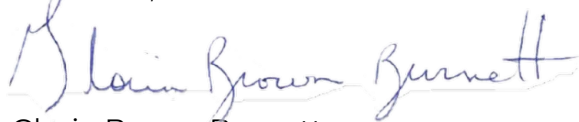
HB 1290 would codify existing practices of the Maryland Judiciary expressed in [MD Judicial Rule 11-109](#). There are scenarios where it may not be in the best interest of the child to be present during a CINA proceeding, as it could be traumatic. Both MD Judicial Rule 11-109 and HB 1290 have protections to ensure a child is not *required* to be present should they choose not to, or if their presence would not be in their best interest.

HB 1290 aligns with the goals and policies of SSA and our Local Departments of Social Services (LDSS). SSA provides each LDSS with a document entitled the Youth Matters

Handbook, which is distributed to children when they enter Out of Home (OOH) care to help them understand the child welfare system, the court process, and resources available to them. The Youth Matters Handbook describes the CINA process and the child's "right to attend court hearings, speak with the Judge and/or Magistrate and receive a copy of the court documents for your records." The handbook also assists with identifying individuals the youth can contact for support during their experience of out-of-home care. In addition, the Maryland Out-of-Home Care Youth Bill of Rights identifies all the rights and responsibilities a child has, including the right to "to attend court hearings, speak with the Judge and/or Magistrate, and receive a copy of the court documents for your records." For these reasons DHS supports HB 1290 to codify current practice and policy, and ensure that youth are able to be present during their own CINA proceedings, should they so desire.

We appreciate the opportunity to offer favorable 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
Deputy Secretary for Operations

CROSSOVER of HB1290- The Right to Be Present- Favo

Uploaded by: Hayley Lichterman

Position: FAV



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.

HB1290

Uploaded by: James Woods

Position: FAV

JAMILA J. WOODS
Legislative District 26
Prince George's County

Judiciary Committee
Criminal Subcommittee
Chair, Juvenile Subcommittee
Public Safety Subcommittee



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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Testimony for HB1290 - *Child in Need of Assistance - Proceedings - Child's Right to be Present*

Good afternoon, Chair Smith, Vice Chair Waldstreicher, and Members of the Judicial Proceedings Committee

My name is Delegate Jamila Woods, and I am here to respectfully request a favorable report on House Bill 1290.

This bill is rooted in a simple idea: children should not be invisible in proceedings that determine their lives.

House Bill 1290 ensures that a child in a CINA proceeding can be present at their hearing, while still allowing the court to make a determination if that presence is not in the child's best interest. It also requires the court to consider less restrictive alternatives before excluding a child, such as remote participation or trauma-informed supports.

So this bill strikes a balance. It does not force participation. It does not override professional judgment. It simply shifts the default toward inclusion, while preserving the court's ability to protect the child when necessary.

For many children in the system, the courtroom is where decisions are made about their placement, their safety, and their future. And too often, those decisions happen without them ever being in the room.

I grew up in foster care and experienced multiple forms of abuse. There were moments where decisions were being made about my life, and my voice was not part of that process. My input should have mattered.

This bill ensures that when a child wants to be present, they are given that opportunity, and when they cannot be present, that decision is made thoughtfully, intentionally, and on the record.

This is about fairness. It is about dignity. And it is about making sure that children are not removed from conversations that directly impact them.

For these reasons, I respectfully urge a favorable report on House Bill 1290. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jamila J. Woods". The signature is fluid and cursive, with the first name being the most prominent.

Delegate Jamila J. Woods
Maryland House of Delegates
District 26 – Prince George’s County