



DEPARTMENT OF HUMAN SERVICES

Wes Moore, Governor · Aruna Miller, Lt. Governor · Rafael López, Secretary

January 29, 2026

The Honorable J. Sandy Bartlett, Chair
House Judiciary Committee
101 Taylor House Office Building
Annapolis, Maryland 21401

**RE: TESTIMONY ON HB0048 - FAMILY LAW - CHILDREN IN NEED OF ASSISTANCE
TERMINATION OF PARENTAL RIGHTS - POSITION: FAVORABLE**

Dear Chair Bartlett and Members of the Judiciary Committee:

The Maryland Department of Human Services (DHS) thanks the Committee for its consideration and respectfully requests a favorable report for House Bill 48 (HB 48).

With offices in every jurisdiction of Maryland, DHS provides preventative and supportive services, economic assistance, and meaningful connections to employment development and career opportunities to assist Marylanders in reaching their full potential. Our Social Services Administration (SSA) implements services for children in out of home care, who would be impacted by HB 48. The bill gives juvenile courts discretion to assess parental capability in Child in Need of Assistance (CINA) cases, rather than requiring courts to consider a prior contested termination of parental rights (TPR).

Today, when a parent has parental rights terminated for one child through a contested hearing, they are automatically at risk of losing parental rights for any additional children that may come to our attention in the future. Every family's situation is different and in most situations families deserve careful consideration of their present circumstances and capacities before the law permanently and irrevocably severs them from each other. HB 48 removes the statutory presumption that a prior termination of parental rights for an elder sibling means the parent should be considered permanently unable to provide safe care for any subsequently born child(ren). By restoring judicial discretion, HB 48 would enable the courts to consider a parent's capacity to provide safe care for their child(ren).

We are committed to family preservation because family matters. Changes proposed by HB 48 prioritize the critical, developmental connections between children and their families. Concerns about extreme cases are covered by the federal [Adoption and Safe](#)

[Families Act of 1997](#) (ASFA) which does not require reasonable efforts to preserve and reunify a family if the parent subjected their child to “aggravated circumstances.” ASFA does not exhaustively define “aggravated circumstances,” but leaves it to the states to define this term.

HB 48 removes a parent’s prior contested TPR as one of the “aggravated circumstances” when determining whether to waive reunification efforts. If HB 48 passes, courts would no longer be required to determine a parent is ineligible for reunification services simply because the parent experienced a prior TPR. As a result, courts and local departments of social services would be empowered to consider the totality of a parent’s present circumstances when deciding whether to make reasonable efforts to preserve a family.

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.hayes@maryland.gov.

In service,

A handwritten signature in black ink, appearing to read 'Rafael Lopez', written in a cursive style.

Rafael López
Secretary