

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
House Judiciary Committee
February 26, 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 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).