



House Bill 890
Family Law - Child Abuse and Neglect Investigations
("Know Before They Knock" Family Right to Notice Act)
In the House Judiciary Committee
Hearing on February 19, 2026
Position: FAVORABLE

Maryland Legal Aid submits its written testimony on HB 890 at the request of Delegate Simpson.

Maryland Legal Aid submits this testimony in support of HB 890, a bill that requires parents and legal guardians to be notified of their basic rights during investigations of suspected child abuse or neglect. Maryland Legal Aid is a private, nonprofit law firm providing free civil legal services to low-income individuals and families in every county of Maryland. In the family law context, Maryland Legal Aid represents parents in divorce, custody, child support, and domestic violence matters. Maryland Legal Aid also represents vulnerable children in Child in Need of Assistance (CINA) matters throughout the state. As the only organization in the state with a 360-degree perspective of the family law and child welfare systems, we believe HB 890 strikes an appropriate balance between the state's important role in protecting children, while respecting the fundamental privacy and due process rights of parents. Maryland Legal Aid strongly supports this bill's requirement that caregivers be informed of their legal options, including their right to consult an attorney, when the government knocks at their door. Therefore, we ask this committee to grant HB 890 a favorable report and urge its ultimate passage.

The low-income clients Maryland Legal Aid serves are commonly subjected to unwarranted government intrusion into their homes, including by the Department of Social Services (DSS). Currently, DSS often enters our clients' homes without their consent and without providing them notice of the allegations against them. In these traumatic and confusing moments, our clients report not fully understanding their legal options. HB 890 requires DSS agents to provide a child's caretaker with notice of their basic rights during a child abuse or neglect investigation. Among other things, this bill will require DSS to

- Advise a child's caregiver of their right to learn the allegations against them;
- Explain their right to consult with a lawyer prior to or during the investigation; and
- Inform them that, *unless ordered by a court*, they may refuse entry into their home, refuse requests to interview or physically examine their children, and refuse to submit to substance abuse or mental health screens.

Thus, HB 890 simply gives caretakers notice of due process rights that *already exist* under the law but are often not understood or invoked because of the intimidating nature of the investigations and the understandable desire of anxious parents to seem compliant.

HB 890 does *not* sacrifice children’s safety, because it does *not* block DSS’ ability to investigate child abuse. If parents or caretakers do not provide informed consent for DSS to enter their homes, DSS can still proceed with their investigation after obtaining a court order or a warrant based on probable cause. Further, Maryland law currently allows a DSS representative to enter a home without consent if they are accompanied by law enforcement and have probable cause to believe that a child is in serious, immediate danger, and this bill does *nothing* to change that. Therefore, this bill effectively balances the rights of parents to feel secure in their homes, and the government’s interest in legitimate, constitutionally compliant investigations.

Most DSS investigations result in a finding that the allegations of abuse or neglect are unsubstantiated. In 2024, DSS investigated almost 22,000 allegations of child maltreatment and in only 30% of those referrals did DSS identify a substantiated or indicated allegation.¹ Unfounded DSS investigations can fundamentally alter family relationships and trust.² Negative experiences with DSS can also negatively impact a parent’s faith in government systems, potentially making them wary of seeking help in the future.

By passing this bill, Maryland will join other states around the country who have passed similar bills in recognition of the invasive nature of CPS investigations. In September 2023, Texas Family Code § 261.307 went into effect, requiring the department to give parents notice of their rights during a CPS investigation, including the right to refuse entry to the home, consult with an attorney, and be informed of the allegations against them. Around that time, Arizona Revised Statute § 8-809.01 also went into effect, similarly enshrining a parent’s rights during an investigation into allegations of child abuse.

HB 890 codifies and protects the fundamental due process rights of parents while leaving intact the ability of DSS to conduct investigations of child abuse and neglect. It creates accountability and prevents government overreach into our families—an issue that should unite Marylanders across the political spectrum. For the reasons stated above, MLA urges a favorable report on and passage of HB 890. If you have any questions, please contact Ameer Vora, Advocacy Director for Family Law, at avora@mdlab.org.

¹ Children’s Bureau, Administration for Children & Families, *Child Maltreatment 2024* available at: <https://acf.gov/sites/default/files/documents/cb/cm2024.pdf>

² Shanta Trivedi, The Harm of Child Removal, 43 NEW YORK UNIVERSITY REVIEW OF LAW & SOCIAL CHANGE 523 (2019) https://scholarworks.law.ubalt.edu/all_fac/1085