



**DEPARTMENT OF HUMAN SERVICES**

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

February 19, 2026

The Honorable Sandy Bartlett, Chair  
House Judiciary Committee  
100 Lowe House Office Building  
Annapolis, Maryland 21401

**RE: TESTIMONY ON HB 890 - FAMILY LAW - CHILD ABUSE AND NEGLECT  
INVESTIGATIONS ("KNOW BEFORE THEY KNOCK" FAMILY RIGHT TO NOTICE ACT) -  
POSITION: INFORMATION**

Dear Chair Bartlett and Members of the Judiciary Committee:

The Maryland Department of Human Services (DHS) thanks the Committee for its consideration and respectfully submits information for its consideration on House Bill 890 (HB 890).

With offices in every one of Maryland's jurisdictions, DHS empowers Marylanders to reach their full potential by providing preventative and supportive services, economic assistance, and meaningful connections to employment development and career opportunities. DHS' Social Services Administration (SSA) oversees Maryland's Child Protective Services (CPS) program, which would be directly impacted by HB 890. This bill would require social workers with the local department of social services (LDSS) attempting to assess allegations of child abuse and neglect to provide both oral and written notice to the child's parent or guardian about their legal rights. The proposed notice resembles Miranda rights read aloud to criminal suspects interrogated in police custody, despite the fact that child welfare investigations are not criminal in nature.

Our CPS team worked extensively over the interim months to address the sponsor's concerns, including revising our existing parents' brochure to make legal information clear and accessible. The updated brochure, titled "A Family Guide to Child Protective Services," is attached to our written testimony, and is distributed to families at initial contact as required under [COMAR 07.02.04.04 \(E\)](#). We are also prepared to publish similar, more detailed information on the DHS website. Both of those items are

pending publication, as DHS is awaiting an informational video from the Office of the Public Defender (OPD), the state agency better-positioned to provide legal counsel to Marylanders. We agree that greater transparency about legal information can help families better understand their legal rights and resources. However, choosing the appropriate messenger to deliver this information is vital. Social workers are not lawyers or process servers, and HB 890 would have them act outside the bounds of social work practice, unnecessarily escalating tension and creating confusion for families by conflating child welfare responses with criminal investigations.

Child Protective Services investigations and criminal investigations have different statutory purposes and authority. Social workers are responsible for investigating alleged child abuse and neglect, and assessing the child's well-being under [Family Law Art. §5-706](#) with strict timeliness requirements. Social workers do not have the authority to conduct criminal investigations, file criminal charges, give legal advice, make arrests, or prosecute alleged abusers. [National Association of Social Workers standards](#) confirm that social workers have a role in providing information about legal resources for parents, but not in the prescriptive notice model outlined in HB 890.

DHS worked hard to shift the culture of child welfare practice in Maryland by prioritizing collaboration with families, and moving away from an adversarial investigative approach to supportive alternative response when possible. DHS offers extensive [family preservation services](#) to prevent children from unnecessarily entering out-of-home (foster) care. We are proud of Maryland's [low rate](#) of children entering into out-of-home care, which is the second lowest in the nation, at 0.9 entries per thousand children. If passed as drafted, HB 890 would undermine the cultural shift toward supportive alternative responses that helped put Maryland into this position.

For over a decade, local departments of social services have used the [alternative response model](#) for low risk reports, at [the direction of the General Assembly](#). In alternative response, a social worker is required to collaborate with family members, jointly assessing the situation and developing service recommendations to ensure children's safety. The goal of alternative response is intentional partnership with families to safely divert an investigative response, which often comes with serious legal consequences. [SSA's Public Data Dashboard](#) (slide 2) shows that since January of 2024, nearly half of all DHS' Child Protective Services responses were conducted using the alternative response model. DHS is concerned that our meaningful cultural change built over years will dissipate under HB 890. Mandating legal *notice* as opposed to legal *information* would escalate tensions unnecessarily, driving eligible families to decline alternative response, and forcing local departments to assess low risk cases through investigative response.

DHS strives to be data-driven and heart-led, and is concerned that similar legal notice policies are associated with negative trends in child safety. For example, the Connecticut General Assembly enacted [Public Act No. 11-112](#) in 2011, a parent's rights bill with provisions substantially similar to HB 890, requiring that parents be notified of their right to refuse entry and speak with counsel. In the three years following implementation, child fatalities rose 45%, including a notable fatality where a parent denied the child welfare agency's entry on multiple occasions to assess the safety of the young person. In direct response to this tragedy, Connecticut was forced to narrow the scope of their original legal rights bill, passing [Public Act No. 18-67](#) in 2018.

DHS believes that families should be directed toward resources to address holistic legal needs with child safety implications, including tenant advocacy, domestic violence protective orders, temporary custody filings, and public benefits appeals. This type of program is known as prepetition legal representation, offered to families ahead of a court petition for state custody of the child. National policy stakeholders broadly support prepetition legal services, including the [American Bar Association's Center on Children and the Law](#), the [National Council of Juvenile and Family Court Judges](#), and the [Annie E. Casey Foundation](#). Pre-petition legal representation would effectively achieve our shared goals; preventing child abuse and neglect, protecting parents' rights, and strengthening and preserving families. OPD is already offering limited prepetition legal representation in Baltimore City and Baltimore County through its Better Together program, and the General Assembly could opt to expand the program. DHS continues to discuss with OPD additional ways of facilitating access to legal services for families with child welfare involvement, including increasing our referrals to the Better Together program and exploring federal resources to create a legal hotline for families.

We appreciate the opportunity to offer informational 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](mailto:justin.hayes1@maryland.gov).

In service,



Rafael López  
Secretary