



**HB 48 Family Law - Children in Need of Assistance and Termination of Parental Rights
(Right to Fight Act)
January 29, 2026
House Judiciary Committee
Position: FAVORABLE WITH AMENDMENTS**

Maryland Legal Aid submits written and oral testimony on HB48.

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. Maryland Legal Aid urges the Committee’s favorable report on HB48 with amendments.

Currently, Courts and Judicial Proceedings 3-812 does not allow for judicial discretion to determine if it is in the best interest of the child to waive the department’s responsibility to make reasonable efforts toward reunification. Maryland Legal Aid supports the judiciary to have this discretion. Family Law 5-323 currently provides for judicial discretion. Maryland Legal Aid supports maintaining this judicial discretion.

Currently, the language of Courts and Judicial Proceedings 3-812 states, “If the court finds by clear and convincing evidence that any of the circumstances specified in subsection (b)3 of this section exists, the court shall waive the requirement that reasonable efforts be made to reunify the child with the child’s parent or guardian.” As written, the bill removes the local department’s ability to request a waiver of reunification efforts when a parent has previously had their parental rights involuntarily terminated with respect to another child. Maryland Legal Aid proposes adding judicial discretion into the bill, and changing the word “shall” to “may”. This makes the language consistent with the current language of Family Law 5-323, which states that “A juvenile court may waive a local department’s obligations for services described in subsection (d)(1) of this section if the juvenile court finds by clear and convincing evidence that one or more of the acts or circumstances listed in subsection (d)(3)(iii), OR (iv), or (v) of this section exists.”

Eliminating this discretion altogether could increase the risk of harm to a second sibling child and delay the ability to achieve permanency. In these rare but serious cases, after their rights were involuntarily terminated, a parent abuses or neglects a second child to such a degree that the second child is also removed and found to be a CINA. Depending on the circumstances, the Department’s ability to seek a waiver of reunification efforts may be an important tool for protecting the sibling child. HB 48 as written would eliminate that protection.

Maryland Legal Aid believes the bill should be amended to grant the juvenile court discretion rather than mandating a waiver under current law or prohibiting one under the bill as introduced. This balanced approach ensures courts can act in the best interest of the child, based on the facts of each case, and treat each child before the court as an individual. It also allows CINA attorneys to advocate for what their child clients want – including reunification with a parent whose rights had been previously terminated or asking the court to move directly towards a different permanency goal.

Maryland Legal Aid urges the Committee to issue a FAVORABLE report with the amendments suggested on House Bill 48. If you have any questions, please contact: Erica I. LeMon, Advocacy Director for Children's Rights at elemon@mdlab.org (410) 951-7648 or (410) 935-0937.