

**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.*



**HB0048 - Family Law - Children in Need of Assistance and Termination of Parental Rights (Right to Fight Act)**

**House Judiciary Committee**

**January 29, 2026**

**Position: OPPOSE**

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 an unfavorable report on HB0048 - Children in Need of Assistance and Termination of Parental Rights (Right to Fight Act).**

In its current form, this legislation would remove the ability of the Department of Social Services (Department) to request a waiver of reunification efforts when a parent has had one's parental rights to a previous child involuntarily terminated. This increases the risk of harmful abuse and neglect to the second child of the same parent, and delays permanency for this second child. It also subjects the first child to a potentially traumatic contested termination of parental rights proceeding regarding the second child. Note that the waiver provision in Maryland was added to comply with federal law from 1997's Adoption Safe Families Act, 42 U.S.C.A. § 671 (West). The purpose is to reduce children lingering in foster care, where the Department's offer of services are not likely to result in a parental rehabilitation.<sup>1</sup>

The termination of parental rights (TPR) involves the parent first abusing or neglecting a child such that the child was removed and found a Child in Need of Assistance (CINA). To trigger a TPR petition, the parent would have then not adequately addressed the problems that led to the CINA finding after many months. To terminate parental rights, the Department files a petition to create a separate, second court case. The parent is entitled to counsel at a TPR trial. At such a trial, the rules of evidence are strictly applied, and rights cannot be terminated unless the court finds by clear and convincing evidence that the parent is unfit, or that exceptional circumstances exist that make continuation of the parent-child relationship detrimental to the child. The court must also find by clear and convincing evidence that TPR is in the best interest of the child. The trial court's ruling is then almost inevitably appealed and

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<sup>1</sup> The legislative history of CJP § 3-812(d) supports the interpretation that the statute imposes a mandatory obligation on the court. In *In re James G.*, 178 Md.App. 543, 943 A.2d 53 (2008), we reviewed in depth the background regarding the "reasonable efforts" requirement, and the significant changes made to federal law in 1997 based on concerns that children were lingering in foster homes for too long because agencies were "'engaged in excessive efforts to 'repair' hopelessly dysfunctional families'" and were "'being reunited with parents when it was not safe to do so in the name of reasonable efforts.'" *Id.* at 575-76, 943 A.2d 53 (quoting Kathleen S. Bean, *Reasonable Efforts: What State Courts Think*, 36 U. Tol. L.Rev. 321, 326 (2005)). The 1997 changes to federal law included a requirement that states, in order to receive federal subsidies, must provide for the waiver of the requirement that local departments make reasonable efforts to reunify the child with the parent under specified circumstances.

*The Coalition to Protect Maryland's Children*

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is reviewed by the Appellate Court of Maryland. Only after that process, which can last a year, are the parent's rights to the first child terminated.

In the scenario in which HB0048 seeks to address, the parent then abuses or neglects a second child to such a degree that that second child is removed and is also found to be a CINA. Only then can the Department seek to waive reunification efforts. This means that the parent who was unable to remedy the abuse or neglect of the first child, such that parental rights to the first child were terminated, has continued to not successfully address their problems, such that they have abused or neglected a second child and caused that child to also become a CINA. The Department's ability to waive reunification efforts in such a situation is not frequently used, but it is an important tool for protecting the siblings of abused and neglected children. This bill would remove that rarely used but important tool to protect abused and neglected siblings.

Moreover, taking away this ability of the Department to waive reunification efforts to the second child delays permanency for that second child. It is a fundamental principle of child welfare that having permanency in a child's life is essential for the developmental wellbeing of that child. If passed, this legislation would delay permanency, possibly for years. Because the waiver provision is intended to shorten a child's stay in care, where a parent has already received services before, without success, it is in children's best interests to permit the Department to file for waiver in CINA cases and for the court, in a TPR case to use this factor as a basis to terminate parental rights. Also, none of this precludes a parent from rehabilitating themselves by accessing services on their own.

It is important to note that HB0048 would also place a great burden on the resources of the courts. There will be many more contested TPRs if this bill is passed.

HB0048 is called the "Right to Fight Act". It appears that the bill title is an attempt to conjure an image of the parent fighting against the Department. However, it is usually the case that the Department will not proceed to request a TPR unless that is what the child also wants. Using the lens of child safety first, it appears that such a perspective is more about a fight of the parent against the state, not a fight for the safety, health, and wellbeing of that child. In addition, in some cases a contested termination of parental rights procedure will cause a child who has already been traumatized by abuse to be re-traumatized by having to testify in a contested TPR trial. HB0048 would therefore harm the "first child" by subjecting more "first children" to traumatizing contested TPR trials regarding subsequent cases about maltreatment of their siblings.

It is critical to maintain the juvenile court's ability to waive the Department's obligation of reunification efforts and for the circumstances to include the involuntary loss of parental rights of a sibling of the child. It is for these reasons that the Coalition to Protect Maryland's Children **urges an unfavorable report on HB0048.**<sup>2</sup>

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<sup>2</sup> Members of CPMC represented by this written testimony include the American Academy of Pediatrics - MD Chapter, Arrow Child and Family Ministries, Citizens Review Board for Children, Court Appointed Special Advocates (MD CASA), Court Appointed Special Advocates (Baltimore County), Maryland Association of Resources for Families and Youth (MARFY), Maryland Children's Alliance, Maryland Network Against Domestic Violence, National Association of Social Workers - MD, State Council on Child Abuse and Neglect, and individual members of the coalition.