



Testimony for the House Judiciary Committee

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HB 890 - Family Law - Child Abuse and Neglect Investigations ("Know Before They Knock" Family Right to Notice Act)

FAVORABLE

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The American Civil Liberties of Maryland urges a favorable report on HB 890, which would require that parents and guardians are informed of their rights during a child welfare investigation.

The rights outlined in HB 890 already exist. However, many people do not know what their legal rights are during a child welfare investigation. Moreover, many people do not know that if they choose to exercise these rights, there may be serious consequences, including the potential removal of the child from the home. This bill ensures that parents and legal guardians faced with a child welfare investigation can move through the process as informed as possible.

The Child Welfare System Disparately Impacts Historically Underserved Communities

The child welfare system in the United States disproportionately investigates and removes Black and Indigenous children and those living in poverty.¹ Nationally, Black families experience disproportionate involvement in the child welfare system, with higher rates of investigation, removal from their parents, and termination of parental rights compared to white children.² In 2022, Black children made up 52.8% of the foster system in Maryland – a disparity that begins with CPS investigations. Indigenous parents are up to four times more likely to have their children taken than their non-Indigenous counterparts.³ Additionally, only 4.9% of white children will experience foster care placement before their eighteenth birthday, compared to

¹ <https://psycnet.apa.org/record/2021-15632-012>

² <https://www.americanbar.org/groups/litigation/resources/newsletters/childrens-rights/racial-discrimination-child-welfare-human-rights-violation-lets-talk-about-it-way/>

³ <https://www.hrw.org/news/2022/11/17/us-child-welfare-system-harms-families>



Maryland

15.4% of Native American children and 11% of Black children.⁴ Both of these groups are historically underserved and experience disproportionately high rates of poverty. Conditions of poverty are often deemed indicators of neglect and are the main reason for child welfare agency involvement and removal in the majority of cases nationwide.⁵ In Maryland, Department of Human Services listed indicators of neglect include many symptoms of poverty.⁶ Additionally, COMAR definitions of neglect are extremely vague.⁷

While Child Protective Services may be well intentioned, there is a high degree of subjectivity in these investigations. In 2022, 71% of DSS investigations into alleged maltreatment were found to be unsubstantiated or ruled out entirely. Additionally, because the welfare of a child is in question, the stakes are incredibly high for both investigators and families. Parents, in the spirit of being cooperative, may not know that they have certain rights during the process and may be too fearful to ask.

Advising parents of their rights in no way precludes or dissuades cooperation with law enforcement. And in rare cases of non-cooperation, DSS has legal processes available to them to remove the child if necessary. HB 890 would ensure a baseline understanding of the impacts of exercising one's parental rights. Implementation of similar protocols in other states has not shown any negative impacts on the safety of children at the center of these investigations. Rather, information from other states indicates that investigations proceed more smoothly when parents understand the contours of their rights.

For the foregoing reasons, the ACLU of Maryland urges a favorable report on HB 890.

⁴ <https://cssp.org/wp-content/uploads/2018/11/CSSP-Entangled-Roots.pdf>

⁵ <https://nationalcasagal.org/the-common-thread-in-child-removal-neglect-not-abuse/>

⁶ <https://dhs.maryland.gov/child-protective-services/reporting-suspected-child-abuse-or-%20neglect/signs-neglect-abuse/>

⁷ <https://dhs.maryland.gov/child-protective-services/reporting-suspected-child-abuse-or-%20neglect/what-is-child-abuse-and-%20neglect/#:~:text=The%20failure%20to%20give%20proper,injuries%20are%20sustained%20or%2%20on ot.>