



HB1383 - Children in Need of Assistance - Permanency Plan Requirements

March 12, 2026

Position: FAVORABLE

Maryland Legal Aid submits written and oral testimony on HB1383 at the request of its sponsor, Delegate Michele Guyton.

Maryland Legal Aid asks that the Committee report **favorably** on HB1383, which provides much-needed structure and clarity to the “reasonable efforts” Department must make to meet the needs of children in foster care. 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. This legislation is a critical measure to strengthen stability, enhance outcomes, and ensure timely permanency.

Maryland Legal Aid’s staff represent thousands of children in CINA and Guardianship (“TPR”) proceedings throughout the state. Our attorneys represent children from infancy to young adulthood. As a result of its extensive work in the field, Maryland Legal Aid has expertise in matters concerning child welfare, children in foster care, and particularly, youth who are aging out of foster care.

Under current law, the Department must demonstrate that it has met the child’s needs—including health, education, safety, and preparation for independence, in order for the court to find that “reasonable efforts” have been made.¹ The bill’s targeted amendments clarify that the Department’s “reasonable efforts” must address a child’s individualized needs with timely action across the domains of health, education, safety, emotional safety and therapeutic services, placement stability, housing, extracurricular and socialization supports, financial awareness, vital identity documents, and preparation for independence. These amendments fill a critical gap in Maryland law.

Both federal and Maryland statutes require judicial findings on “reasonable efforts” in CINA cases, yet they do not define the term with essential specificity.² Under the Adoption and Safe Families Act (ASFA), states must ensure that “reasonable efforts” are made first to prevent removal, then to reunify the child with their parents, and then to finalize a permanency plan if reunification is

¹ Md. Code Ann., Cts. & Jud. Proc. § 3-816.1 (b)(2)(ii) (2026).

² *In re James G.*, 178 Md.App. 543, 578, (2008) (“reasonable efforts” remains undefined under federal law).

inconsistent with that plan.³ Reasonable efforts must center the child’s health and safety as the paramount concern.⁴ But ASFA leaves the particulars of those efforts largely to states. This absence of guidance is ripe for producing uneven expectations and outcomes for youth. HB 1383 supplies the needed detail.

Maryland’s current statute requires courts at permanency and review hearings to find whether the local department made reasonable efforts to finalize the permanency plan and meet the child’s needs, but the statute lists those needs only in broad categories (health, education, safety, preparation for independence).⁵ HB 1383 refines those categories into concrete, reviewable elements, including timely enrollment in school; postsecondary/vocational awareness; prompt therapeutic referrals; placement stability and post-case housing planning; extracurricular engagement; financial literacy; ensuring vital documents; and more, so that agencies and courts have clear, actionable benchmarks.

The bill aligns with Maryland case law and improves accountability. Maryland courts have repeatedly emphasized that the best interests of the child govern CINA and permanency decisions, while requiring that agencies demonstrate specific, case-tailored efforts. In the case of *In re Shirley B.*, the appellate courts recognized that “reasonable efforts” are evaluated in context, including resource constraints, but still demanded evidence of sustained, individualized work toward reunification and permanency.⁶ HB 1383 provides a consistent checklist against which those efforts can be measured without altering the contextual standard.

HB 1383 replaces the current, generalized reference to “health, education, safety, and preparation for independence” with an individualized list and explicit timeliness requirements. This converts an abstract duty into a workable standard for agency practice, court review, and appellate oversight, without changing the overarching statutory best-interest framework.⁷

This bill will improve outcomes for foster youth. Courts will have a record to review, rather than assumptions. For example, explicitly requiring timely school enrollment and postsecondary/vocational information addresses known points of loss during placement changes. Ensuring prompt therapeutic referrals will reduce delays that too often exacerbate trauma symptoms and placement instability. Requiring attention to placement appropriateness and

³ 42 U.S.C. § 671(a)(15).

⁴ *Id.*

⁵ Md. Code Ann., Cts. & Jud. Proc. § 3-816.1 (2026).

⁶ *In re Shirley B.*, 191 Md. App. 678, (2010); aff’d 419 Md. 1, (2011) (providing a detailed history and explanation of reasonable efforts).

⁷ Md. Code Ann., Cts. & Jud. Proc. § 3-823 (2024).

post-case housing mirrors ASFA's mandate to finalize the permanency plan in a timely way and supports smoother transitions to independence. Ensuring young people possess their birth certificates, Social Security cards, IDs, driver's licenses, passports, and financial literacy before case closure eliminates barriers to employment, housing, and higher education.

HB 1383 does not expand litigation or add new bureaucratic hoops; it clarifies expectations and ensures that "reasonable efforts" are measurable, child-specific, and timely. That clarity will improve practice, sharpen judicial review, and most importantly, better serve children in foster care who cannot afford delays without limiting judicial discretion.

Maryland Legal Aid urges the Committee to issue a FAVORABLE report on House Bill 1383 and urge its ultimate passage. If you have any questions, please contact: Erica I. LeMon, Advocacy Director for Children's Rights at elemon@mdlaborg (410) 951-7648 or (410) 935-0937.