

Darlene A. Wakefield
Erica Anaya
Stefanie Burton-Bragg
Kelly Donovan-Mazzulli
Hannah Freeman
P. Joan Gavigan
Xuan Mai

DARLENE A. WAKEFIELD, P.A.
Attorneys at Law
2107 Laurel Bush Rd, Ste 101
Bel Air, Maryland 21015
Phone: 410-574-7032
Fax: 410-574-1198

John Markus, Jr
Michael Nehring
Arlene Prud'homme
Constance Ridgway
Randall Schapiro
Christina Polhamus
Elise Snyder
Dewey Brian Stanley
Jennifer Treff

HOUSE JUDICIARY COMMITTEE

House Bill 890 : Family Law-Child Abuse and Neglect Investigations (“Know before They Knock” Family Right to Notice Act)

OPPOSE

February 19, 2026

The Law Office of Darlene A. Wakefield, P.A. is a private child advocacy firm under contract to DHS/Maryland Legal Services Program (MLSP) for representation of children in Child In Need of Assistance (CINA) and Termination of Parental Rights (TPR) matters. Our firm of 16 attorneys has held contracts with the State for thirty (30) years. We are the largest private child advocacy firm in Maryland and child advocacy law is the only law we practice. Personally, I have practiced CINA law in Maryland for 35 years having represented children, parents and the Baltimore City department of social services. Currently, through our CINA/TPR Contracts with MLSP, our firm represents 1,185 children in Baltimore City, Baltimore, Carroll, Cecil, Harford, Howard, Prince George's and Washington Counties. We submit that we are highly qualified and have the experience to speak on this bill.

Our comments in **opposition** to this bill as filed are summarized below.

1. This bill tramples on the rights of children and presumes that children who are the subject of the investigation agree with their parents and do not want to be interviewed. Lines 28-32 of the bill as drafted advise that the ‘parent is not required to allow DSS to interview or examine the child’. It is important to recognize that Maryland is a client directed model for child's counsel for children who are determined to have considered judgment. This type of representation assumes that children have a right to independent decision making. If this legislature has determined that children have an independent voice, why are we permitting a parent to hinder the investigation by preventing the DSS caseworker from talking with a child, or even seeing that child, at the time of the investigation? **It is the very children who are being kept away from investigators who need to be interviewed.** We have experienced numerous situations in which children are being literally locked in their homes and kept away from the outside world so that abuse/neglect can continue. Children of all ages are being kept in locked rooms, denied food and medical care. Case workers must have access to a child at the time of the investigation to determine

if allegations are founded. At the very minimum, case workers must be allowed to “lay eyes” on children if non-verbal and interview children who are age appropriate.

2. Is legislation really necessary? Creating or amending a statute is not always the best way to address an issue. Has any thought been given to forming a taskforce to look at the issues raised? In particular, we should investigate how the stakeholders could address the need for education of parents and guardians about the rights as it relates to investigations conducted by the local departments of social services (DSS). The Office of the Public Defender (OPD) already has the Better Together initiative which they say is working well in Baltimore City. This bill is an attempt to codify that program but includes unnecessary language trampling on the rights of children. Can we simply put forth efforts to expand that program into other jurisdictions and find ways to get the information into the hands of parents and guardians? Could/would DHS agree to make a regulatory change or policy change which may incorporate the parent/guardian notice provisions included in the bill instead of mandating same via statute? We also have concerns that if the bill becomes law, the sponsors will be back next year asking for changes to include sanctions for non-compliance by DHS resulting in unnecessary litigation in juvenile court CINA cases which are already over burdened with cases.

3. Does the OPD have enough attorney resources to be readily available to parents/guardians? If a parent/guardian wants to call the OPD for assistance of counsel with regard to the investigation, attorneys from the OPD must be available to assist them at the time of the investigation. Otherwise, there will be undue delay in the investigation. Our experience currently in some of the jurisdictions in which we practice is that often cases have to be held over or otherwise delayed because the OPD is stretched too thin because they are covering multiple jurisdictions for CINA hearings. It is difficult to imagine that the OPD has the resources available to rapidly assist in advising and being present with parents/guardians for investigations.

In this current legislative session, this body will be considering HB 980 “Kanaiyah’s Law”- a bill to strengthen the foster care system and address long standing issues with DHS’ failure to do its job. Why then should this Committee even consider passing this bill which will clearly take away from children’s rights and also take away the very responsibility and authority of DSS to do thorough and timely investigations? The rights of parents must always be weighed against the best interests and rights of children. This legislature has mandated time frames for immediate investigations for reports of suspected abuse and neglect of children. Why would it now allow a change in our laws to hinder and delay those investigations? We have seen too many cases where just 24 hours would have made a difference between the life and death of a child. We strongly urge you to vote against delay and for the rights of Maryland’s children by opposing HB 890.

Respectfully submitted, Darlene A Wakefield, Esq., President