



NATASHA DARTIGUE  
PUBLIC DEFENDER  
KEITH LOTRIDGE  
DEPUTY PUBLIC DEFENDER  
HANNIBAL KEMERER  
CHIEF OF STAFF  
ELIZABETH HILLIARD  
DIRECTOR OF GOVERNMENT RELATIONS

**POSITION ON PROPOSED LEGISLATION**

**BILL: House Bill 1290 - Child In Need of Assistance- Proceedings- Child's Right to Be Present**

**FROM: Maryland Office of the Public Defender**

**POSITION: Favorable as Amended**

**DATE: 02/26/2026**

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The Maryland Office of the Public Defender (OPD) respectfully requests that the Committee issue a **favorable report as amended for House Bill 1290, Child In Need of Assistance- Proceedings- Child's Right to Be Present**. House Bill 1290 seeks to codify a child's right to be present at Child In Need of Assistance hearings.

This testimony is provided by OPD's Parental Defense Division (PDD) which represents parents from all 24 counties in Maryland who are involved in the various stages of Child In Need of Assistance (CINA) cases. Our multidisciplinary legal team, including dedicated attorneys, licensed social workers, and parent advocates with lived-experience in the DSS system, ensures that families receive high quality legal representation during their Child in Need of Assistance and Termination of Parental Rights cases.

Child in Need of Assistance cases are the proceedings in which the court determines whether a child has been abused or neglected. If the Court finds that a child has been abused, the court will then determine whether that child is a Child In Need of Assistance requiring the courts supervision to maintain safety. The court in those proceedings also determine whether a child should be placed in foster care, what services the child and family are to receive in order to reunify when a child is separated from his or her family and which permanency plan is in the best interest of the child.

Within these proceedings, the parties include the Department of Social Services who brings the case and is responsible for providing placement for the child and reunification services to the family, the child and the parents. Each party is represented by their own attorney.

The Child's attorney represents the expressed interests of the child. Which means, as long as the child has considered judgment, which means the child can tell their attorney what they want and why they want it, then the attorney is to advocate for what that child wants; as they would an

adult client. Only when a child does not have considered judgement does the child's attorney represent what they believe to be in the child's interest.

When children attend court, they can hear the proceedings, speak to the court directly, confirm if their position has been accurately represented, and offer any necessary additional information.

Furthermore, a child's presence and interactions with their parents in court provide the judge with critical, firsthand observations that would otherwise be unavailable. For instance, a report may suggest a strained parent-child relationship and a child's reluctance to see a parent. Yet, if the child is present in court, they might display affection and comfort with the parent that strongly contradicts the Department's depiction. This personal observation is invaluable for the court in determining the child's best interest.

It is the understanding of the Office of the Public Defender that HB 1290 has been amended from its original form to only include language that states, "A child who is the subject of a CINA proceeding under this subtitle has a right to be present at the proceeding." We are in agreement with this amendment.

**For these reasons we urge the Committee to issue a favorable report as amended for House Bill 1290.**

**Submitted by:** Maryland Office of the Public Defender, Government Relations Division.

**Authored by:** Natasha Khalfani, [natasha.khalfani@maryland.gov](mailto:natasha.khalfani@maryland.gov).