



HB1272 - Family Law - Kinship Care
February 26, 2026
Position: FAVORABLE

Maryland Legal Aid submits written and oral testimony on HB1272 at the request of its sponsor, Delegate Gabriel Acevero.

Maryland Legal Aid asks that the Committee report **favorably** on HB1272, which requires a local department to consider a child's feelings or views about a prospective kinship caregiver and requires a local department to consider certain factors when determining whether to approve an individual as a kinship caregiver. 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 proposed legislation is an important measure to provide support and stability to these children.

Maryland Legal Aid represents thousands of children in Child in Need of Assistance ("CINA") and Guardianship ("TPR") proceedings statewide. Our attorneys serve children from infancy through young adulthood, providing continuous representation under the juvenile court's jurisdiction. This deep, sustained experience in child welfare gives Maryland Legal Aid a clear understanding of the needs and vulnerabilities of children in foster care, and it is why we strongly support HB 1272.

Kinship placements offer children critical stability and emotional support when they are removed from their parents due to abuse or neglect. Maryland Legal Aid represents many children who are thriving in the safe, nurturing care of relatives and kin after such removals. Maryland Legal Aid commends the Department for its focused efforts to keep children in their families and communities through kinship care. Youth who are removed from parents or guardians and placed with relatives and kin generally have better outcomes than youth placed in other placements; they experience greater stability, improved educational and mental health outcomes, and have reduced trauma and behavior issues¹. HB 1272 enhances efforts to ensure kinship placement is consistent with a child's best interest by incorporating the child's opinion and ensuring all kinship placements are safe and stable.

¹ American Bar Association, Section of Litigation, Children's Rights Litigation Committee, Benefits of Kinship Placement: Social Science Support for Your In-Court and Out-of-Court Legal Advocacy: A Tool for Lawyers (Jan. 2022), available at <https://www.grandfamilies.org/Portals/0/Documents/Care-Custody/ABA%20memo-re-benefits-of-kinship-placement-adoption.pdf>.

HB 1272 incorporates the child's voice into kinship placements. The bill provides: "In selecting a placement that is in the best interest of a child in an out-of-home placement, the local department shall consider the child's feelings and views and a prospective kinship caregiver." Incorporating the child's voice into placement decisions is both intuitive and necessary. Children often have direct knowledge of which relatives and fictive kin have protected, supported, and cared for them, and, importantly, which have not. If a child is frightened of or does not feel safe with a particular relative, that perspective must be meaningfully weighed. Likewise, when a child feels loved, secure, and protected by a particular relative, that view merits real consideration. HB1272 ensures these crucial insights are recognized in law.

The bill also restores important safety-focused provisions. Per these provisions, in considering a potential kinship caregiver, the department must consider such protective factors as the caregiver's knowledge and understanding of the circumstances that led to the child's removal; previous helping, protecting, or preventing maltreatment of the child; current ability to protect the child, and understand the need for such protection; and willingness to cooperate with the department. These safeguards are not new; for many years, they were embedded in the Code of Maryland Regulations (COMAR) and routinely guided the evaluation of relative placements. When COMAR's kinship placement regulations were replaced in late 2024, these long-standing safety provisions were omitted, apparently inadvertently. HB1272 simply restores these established protections to statute.

Reinstating these requirements is vital. As children's attorneys, we have witnessed cases in which relatives, despite good intentions, faced divided loyalties that compromised a child's safety. Some minimized the very concerns that led to the child's entry into foster care. Others struggled to enforce court-ordered restrictions on parental contact. In some instances, our clients have informed us that relatives had themselves participated in, enabled, or turned a blind eye to the abuse or neglect. HB1272 appropriately directs the Department to assess whether a relative understands the need to protect the child and is willing and able to place the child's needs first.

We have seen these dynamics firsthand. In some of our cases, the child's relative had the opportunity to intervene to protect the child but failed to do so. In others, a relative enabled and overlooked a parent's substance use, and a relative engaged in the same physical or verbal abuse that the child previously endured. We have also encountered cases where a relative substituted their own judgment for the court's and allowed a parent inappropriate access to the child before safety concerns had been resolved. In particularly severe cases, such as those involving an infant who has suffered intentionally inflicted injuries, it can be emotionally difficult for relatives to accept the reality of the abuse. To prevent and assess such situations, the Department must have frank, informed conversations with prospective kinship caregivers to ensure they fully understand the child's safety needs and are committed to upholding them.

The Department must consider whether a prospective kinship caregiver is truly prepared to place the child's safety first. HB1272 restores essential safeguards for children who have already endured trauma. Importantly, the bill does not diminish Maryland's strong preference for placing

children with kin whenever possible. Instead, it strengthens that preference by ensuring that kinship placements are selected thoughtfully, carefully, and in alignment with best practices long recognized in child welfare, which also promotes stability.

Maryland Legal Aid urges the Committee to issue a FAVORABLE report on HB 1272 and urges its ultimate passage. If you have any questions, please contact: Erica I. LeMon, Advocacy Director for Children's Rights at elemon@mdlalab.org (410) 951-7648 or (410) 935-0937.