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POSITION ON PROPOSED LEGISLATION

BILL: House Bill 1272 - Family Law- Kinship Care

FROM: Maryland Office of the Public Defender

POSITION: Favorable with Amendments

DATE: 02/26/2026

The Maryland Office of the Public Defender (OPD) respectfully requests that the Committee issue a **favorable report with amendments for House Bill 1272, Family Law- Kinship Care**. House Bill 1272 seeks to require the Department of Social Services to consider the feelings of the child when determining a kinship placement and provide social workers with direction on what they should consider when determining the appropriate kinship placement.

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 CINA and TPR cases.

Placing children with family or close friends, known as kinship care, is a vital support system. Studies consistently show that it is the most effective alternative for children who cannot live with their parents. When a child is removed from their parent's care, it is crucial that their voice is heard regarding where and with whom they should reside. Children can often articulate where they feel safe, and since they are being uprooted, they must be placed in familiar, nurturing, and secure environments.

We support the section of HB1272 that mandates DSS to consider the child's feelings during a kinship care placement. However, we are concerned about the specific list of factors that DSS is directed to consider when placing a child with a relative. While we understand and agree with the bill's intent to ensure placement safety, we are concerned that these specific considerations could be unfairly used against kinship providers and parents. This might lead to placements with providers whose loyalty is more aligned with DSS than with the child's and family's well-being, potentially hindering healing, stabilization, and reunification efforts, which is typically the initial permanency goal. Additionally, the factors could hinder placement with relatives who are

considered to be “too supportive” of reunification.

Through our Better Together Program, PDD’s prepetition program, our attorneys offer legal services to parents during Child Protective Services investigations, before a CINA case is filed. In this role, we have observed firsthand instances where caseworkers¹ appear to attempt to damage relationships between parents and potential kinship caregivers by speaking negatively about the parent under the guise of disclosing circumstances leading to the child's removal. We have also seen potential caregivers disqualified for minor reasons, particularly when they appear supportive of reunification and genuinely aim to care for the child while supporting the parents simultaneously.

There appears to be a systemic issue: on one hand, DSS seems to pressure kinship providers to choose between being a resource for the child and aligning with the DSS against the family; on the other hand, placements are sometimes made with relatives without due diligence to ensure the placement is appropriate in all respects.

Therefore, we request the addition of language to ensure kinship providers are thoroughly vetted and informed but are selected without bias against the parent. This is essential to guarantee the child's safety and also to ensure they are placed in an environment that can facilitate appropriate reunification and maintain strong family connections, regardless of the CINA case outcome.

For these reasons we urge the Committee to issue a favorable report as amended for House Bill 1272.

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

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Proposed Language as follows:

(2) WHEN DETERMINING WHETHER TO APPROVE AN INDIVIDUAL AS A KINSHIP CAREGIVER, THE LOCAL DEPARTMENT SHALL CONSIDER:

~~(F) THE INDIVIDUAL’S KNOWLEDGE AND UNDERSTANDING OF THE CIRCUMSTANCES THAT LED TO THE NEED FOR THE CHILD’S PLACEMENT;~~

(I) THE INDIVIDUAL’S KNOWLEDGE AND UNDERSTANDING OF SAFETY CONCERNS THAT LED TO THE NEED FOR THE CHILD’S PLACEMENT;

~~(H) THE INDIVIDUAL’S PREVIOUS INVOLVEMENT IN HELPING OR~~

¹ In Baltimore City, DSS caseworkers are often not social workers.

PROTECTING THE CHILD;

~~(III) THE INDIVIDUAL'S PREVIOUS INVOLVEMENT IN PREVENTING OCCURRENCES OF ABUSE OR MALTREATMENT OF THE CHILD;~~

(II) WHETHER THERE HAS BEEN PAST OR CURRENT ALLEGATIONS OF ABUSE OR NEGLECT ALLEGED AGAINST THE KINSHIP CARETAKER BY THE CHILD, THE PARENT OR OTHER RELATIVE

~~(IV) (III) THE INDIVIDUAL'S CURRENT ABILITY TO PROTECT THE CHILD;~~

~~(V) THE INDIVIDUAL'S ABILITY TO UNDERSTAND THE NEED FOR PROTECTION OF THE CHILD; AND~~

(IV) THE INDIVIDUAL'S WILLINGNESS TO ABIDE BY COURT ORDERS.

(V) THE INDIVIDUAL'S WILLINGNESS TO COOPERATE AND WORK WITH THE PARENT TO ACHIEVE REUNIFICATION, MAINTAIN THE PARENT- CHILD RELATIONSHIP, AND FACILITATE CONTACT AS ORDERED BY THE COURT OR STATED IN A SAFETY PLAN