



January 27, 2026

RE: SUPPORT— HB0048 the Right to Fight Act

Dear Chair Bartlett, Vice Chair Davis, and members of the Judiciary Committee,

This testimony is submitted by Civil Rights Corps (CRC), a civil rights organization dedicated to challenging systemic injustice in the United States legal system, in support of HB0048. This bill would help families by ensuring that the Department of Social Services (DSS) is required to make reasonable efforts to reunify a family even when a parent has a past involuntary termination of parental rights (TPR). The current law exempts DSS from that duty. This means that if a parent fights in court to keep her parental rights—as many loving parents would want to—and loses in the risky trial process, the state can easily take and immediately adopt out any future child she has. In practice, this exception coerces parents to “voluntarily” give up their parental rights rather than fight in court and risk the loss of future children—a horrible choice no parent should have to make. HB0048 changes that, and ensures that parents can fight for their rights to one child, without risking their rights to another.

Civil Rights Corps specializes in innovative, systemic challenges to civil rights violations using litigation, advocacy, and public education. Since its founding in 2016, the organization has developed pathbreaking legal challenges to pretrial detention practices; debtors’ prisons; prosecutorial misconduct; corporate and municipal profiteering off of family separation in jails; and other practices that punish people for poverty and unnecessarily separate families. These legal cases—and related policy collaboration with state supreme courts, rulemaking bodies, attorney generals, federal government officials, legislators, local presiding judges, and others—have resulted in widespread changes in how some of the most marginalized people in our society are treated.

For over a year CRC has investigated the Maryland child welfare system, also known as the family regulation system.¹ We submit this testimony with firsthand knowledge that Maryland families are subjected to intense, unnecessary surveillance and trapped in cycles of state intervention in their families. HB0048 will fix a law that significantly harms Maryland families, and allow parents to overcome past challenges to grow healthy families.

Importantly, this bill helps protect cash-poor families. The strongest predictors of whether a family will be investigated by the family regulation system are how much money they have and the color of their skin. Overwhelmingly, the families who are investigated are

¹ Throughout our testimony, we will use the term “family policing” or “family regulation” system to describe what has been most commonly referred to as the “child welfare” or “child protection” system, to honor the ways directly impacted people describe this system and in recognition of the system’s racist history and the harm and trauma caused by forced family separation.



those who need a food pantry, have difficulty paying rent, can't afford utilities, or are not receiving the public benefits they are entitled to.² These are not neglectful families—these are families that our government has neglected—families we have failed to care for as any decent society should. In Maryland, thousands of families are facing economic neglect and are therefore at risk of foster system involvement. In 2022, 18% of Maryland children had working parents living below 200% of the federal poverty line,³ and in Baltimore, poverty rates for school-age children regularly exceed the national average.⁴ Enacting HB0048 will have a profound impact on economically marginalized families. These are the parents and children who are most likely to be faced with repeated family regulation system intervention, even when all they need are support and material resources.

Maryland's current policy of punishing parents for contesting the termination of their parental rights contravenes well-established constitutional principles that enshrine the right to family integrity. Threatening a parent who fights to keep their current children with state seizure of future children infringes the parents' due process right to do everything they can to maintain their bond with their child and their right to raise that child. It also infringes the rights of the future child, whose ability to know and be loved by their natural family—parents, siblings, aunts, uncles, and grandparents—and by that family's close community and neighbors, by diminishing the future child's right before the child is even born.

State policies that allow courts to exempt child welfare agencies from making reasonable efforts to reunite families are rooted in the Adoption and Safe Families Act, a 1997 federal statute. This statute permits states to forgo reasonable efforts when there's been a prior involuntary TPR, but notably, the statute does not require states to adopt such a policy.

The waiver of the reasonable efforts requirement due to a prior involuntary TPR is bad policy and unconstitutional. As child welfare legal expert Vivek Sankaran has written, in the criminal legal system it is recognized that prior convictions do not make someone permanently guilty of future bad acts.⁵ In any case, the burden lies on the state to show that interfering with a fundamental right, like the right to family integrity, is justified and necessary, for every child impacted.⁶

² Slack, K. S., et al. (2011). *Risk and protective factors for child neglect during early childhood: A cross-study comparison*, Children & Youth Services Review, 33(8), 1354-1363. <https://doi.org/10.1016/j.chidyouth.2011.04.024>

³ "Children in low-income working families by age group in Maryland." *Kids Count Data Center*, Annie E. Casey Foundation, January 2024. <https://datacenter.aecf.org/data/tables/5048-children-in-low-income-working-families-by-age-group>

⁴ Annie E Casey Foundation, A profile of Youth and Adults in Baltimore, available at [https://www.aecf.org/blog/a-profile-of-youth-and-young-adults-in-baltimore#:~:text=Poverty%20increased%20among%20Baltimore's%20school,and%20U.S.%20\(19%25\)%20rates.](https://www.aecf.org/blog/a-profile-of-youth-and-young-adults-in-baltimore#:~:text=Poverty%20increased%20among%20Baltimore's%20school,and%20U.S.%20(19%25)%20rates.)

⁵ Vivek Sankaran, *Child Welfare's Scarlet Letter: How a Prior Termination of Parental Rights Can Permanently Brand a Parent as Unfit*, NYU Rev. L. & Soc. Change, 41, 685 (2017).

⁶ See *Stanley v. Illinois*, 405 U.S. 645 (1972); *Santosky v. Kramer*, 455 U.S. 745, 753 (1982).



This principle applies to parenting as well. For example, if a parent has gone through rehabilitation, their prior struggle with addiction should not be used to permanently label them as unfit to parent. And yet that is exactly what Maryland’s current law does, by allowing the state to bypass attempts to reunify families when a parent has made mistakes in the past. Scenarios where parents grow out of past challenges are common as they age out or overcome life struggles they had when they were young.

Like parents, children have constitutional rights to the integrity of their family—to be with their parents.⁷ Maryland’s law on prior involuntary TPRs denies future children procedural due process through which to try to stay with their parents.

Maryland’s practice of skipping reasonable efforts when a parent has a past involuntary termination of parental rights is particularly pernicious when paired with Maryland’s “Birth Match” policy. Maryland is one of a small minority of states that have a Birth Match policy.⁸ Under this policy, for every birth certificate issued, if one of the parents has had their parental rights terminated within the past 10 years, the local Department of Social Services is required to investigate the parent’s relationship with their newborn child. Combine this Birth Match policy with the waiver of the reasonable efforts requirement, and you have a form of what is functionally state sterilization where if a person has one child taken from them, there’s a high risk that any future child they have will be taken.

Thank you Delegate Toles for reintroducing the Right to Fight Act. Civil Rights Corps urges this committee to issue a favorable report for this crucial reform to protect families from the profound harm of needless separation.

Sincerely,

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⁷ See *Jordan by Jordan v. Jackson*, 15 F.3d 333, 346 (4th Cir. 1994) (recognizing that forced separation of families “implicates the child’s interests in his family’s integrity and in the nurture and companionship of his parents”); see also Shanta Trivedi, *A Child’s Constitutional Right to Family Integrity*, Harv. Civil Rights-Civil-Liberties L. Rev, 56, 267 (2021).

⁸ Daniel Gibbs, et al., *Identifying Children at Risk for Maltreatment Fatalities: Assessing the Current Landscape of Birth Match Policies in the United States*, Journal of Public Welfare, March 5, 2025, available at, <https://www.tandfonline.com/doi/abs/10.1080/15548732.2024.2319732>.