

## **2020 Maryland General Assembly 2020 Session – HB 369 and SB 586:**

- 1) Requires the courts (not just DSS) to notify ALL foster parents of court dates
- 2) Allows all foster parents access to court documents that pertain to the child in their care. (There is a provision that allows some parts of these documents to be redacted due to a birth parents privacy and "privilege".)
- 3) Allows any foster parent or relative caretaker of a "Child In Need of Assistance" (CINA) who chooses to be granted "Intervenor Status" in court

If passed this means for a foster parent who "intervenes":

- 1) Foster parents can't be "kicked out" of the courtroom.
- 2) Foster parents can verify that the court receives accurate information about the children in their home
- 3) Foster parents can rebut incorrect information that is presented in court
- 4) Foster parents can present and question witnesses and evidence
- 5) Foster parents can hire a lawyer to represent them if they choose to

### **In Support of HB 369 and SB 586:**

#### **Why Foster Parents should have the "Right to Intervene" in court:**

- **Information for judges:** Court filings from social workers are sometimes incomplete or misleading. Social workers are only required to see the children once a month (and sometimes don't even do that), and children's lawyers are only required to see them before court (usually every 6 months). So those groups often do not have all of the information or know when information is missing. Foster parents can help verify, enhance, and, if necessary, correct the record.
- **Accountability for counties:** Often issues related to a child's well-being and/or birth parent's behaviors and issues are "lost in translation" before being reported to the courts. There is a high turnover of case-workers that results in information not being recorded at all or "forgotten" in the written record. Communication errors can easily occur. There is pressure to "Reunify" families which can cause DSS to overlook "red-flags" regarding appropriateness of reunification. Allowing foster parents to comment on reports generated by DSS provides a level of accountability.
- **Most up-to-date and accurate information available:** Foster parents have the most knowledge of all aspects of child's well being. They arrange and transport to all medical and therapeutic appointments. They regularly consult with medical and therapeutic professionals working with the children. They transport to weekly visits with birth family and observe these interactions. They bear witness to and work to address children's behavioral, emotional, and physical needs on a daily basis.
- **Better care for foster children:** Foster parents are not given all of the information they need to help the children in their care. By allowing foster parents to attend court and read documents, they will know better what trauma their foster children have faced and how to get them the help they need.
- **Faster permanency:** Foster parents are going to push for permanency when no one else does. Maryland needs that level of accountability (we are fourth from the bottom in the nation on the time to permanency).
- **Not following current rules:** In many Maryland counties (Montgomery County, for example), foster parents are not getting required written notice of court hearings. In addition, foster parents are not informed of their right to speak with the judge. Some social workers actively discourage foster parents from coming to court, and there are cases where social workers and lawyers tell foster parents who are at a hearing that they don't have the right to speak.
- **Improved foster parent retention:** Research shows that foster parents who feel included in the process and informed about what is going on are more likely to continue working as foster parents.
- **This helps birth families too:** The bill will also allow parents, grandparents, or other relatives who care for children through formal or informal kinship care to intervene.

- Over 20 states allow foster parents to intervene at some point in the legal hearings for children in their care.
- In Maryland, currently foster parents may only give a statement to the court and are often told then to leave.

*"As the immediate caregivers for the child, foster parents are often uniquely positioned to provide a juvenile court with the most up-to-date status of the child and the child's well-being. ... Exclusion of relevant information that foster parent intervenors might provide would therefore heighten, not mitigate, the risk of an erroneous decision at the [child welfare] hearing."*

-Supreme Court of Colorado March 2013

