

THE COALITION TO PROTECT MARYLAND'S CHILDREN

Our Mission: To combine and amplify the power of organizations and citizens working together to keep children safe from abuse and neglect. We strive to secure the budgetary and public policy resources to make meaningful and measurable improvements in safety, permanence, and well-being.

Judiciary Committee

HB 369: Foster Parents, Pre-Adoptive Parents, and Caregivers-Right to Intervene

Positions: OPPOSE

February 6, 2020

The Coalition to Protect Maryland's Children (CPMC)¹ is a consortium of Maryland organizations and individuals formed in 1996 to promote meaningful child welfare reform and the prevention of child abuse and neglect. CPMC opposes the passage of HB369: Foster Parents, Pre Adoptive Parents, and Caregivers - Right to Intervene.

We have the greatest of respect and admiration for resource parents and others caring for children in the state's care. However, we foresee numerous unintended consequences of HB369: Foster Parents, Pre Adoptive Parents, and Caregivers - Right to Intervene that are not in the best interests of the children.

Foster parents have the most difficult work of welcoming children into their homes and into their hearts, and then returning them to parents who may have fewer economic and emotional resources and a history of maltreatment. Caring for the children gives foster parents and other caregivers special knowledge and information important to consider in a court hearing. The purpose of creating the existing requirements that foster parents be notified of court hearings and be given the opportunity to be heard was to enable that very sharing of information. Additionally, all parties that can and do offer information and positions consistent with that of foster parents depending on the circumstances.

Giving foster parents the same legal standing as the biological parent from the day of a child's entry into foster care, on the other hand, has the potential to be damaging instead of helpful. Instead of encouraging the kind of teamwork and collaboration with the biological parent that works best for the children, giving equal legal standing has the potential of pitting foster caregivers against the parents of the children for whom they're providing temporary care.

With respect to sharing information, there is no doubt that foster families are critical members of the team. It is imperative that all Information necessary to provide care to the child be shared with the caregiver, a requirement already in statute. Whether failure to share that information is a training or enforcement issue, without anything but anecdotal information the prevalence remains unknown, and the cause is hard to pinpoint.

Protected information is that which may be personal to the child's family, and not pertinent to the care of the child. Just as the information in a home study isn't released to a biological parent, details about a biological parent that are irrelevant to the care of the child should remain confidential. Making the openness of this information a matter for the court to decide resonates as an opportunity to undermine

¹ Members in opposition of HB 369 include: Advocates for Children and Youth, Baltimore Child Abuse Center, Child Justice Inc., Citizens Review Board for Children, Court Appointed Special Advocates, Franklin Law Group, Maryland Chapter of the National Association of Social Workers.

and disrespect parents, and damage the kind of collaborative relationships that best serve children's interests.

Additionally, there are currently legal means for long term foster parents to become a third party in cases where it is appropriate that provide safeguards for all involved. Foster parents have the ability to ask for immediate removal of the child without any legal consequences and granting party status should be something the court can and should carefully consider with current laws in the best interest of each child.

We ask that you give an unfavorable report to HB369: Foster Parents, Pre Adoptive Parents and Caregivers – Right to Intervene. This bill has the potential to promote animosity between foster parents and the parents of those the children they care for, conflict that is antithetical to the team work that best serves the children and results in the achievement of timely permanence. Requiring the release of information relevant to the care of the child is already required, and no further legal action is necessary to make that possible. We believe that this bill, however well-intended, could complicate things, clog things up, and it's unnecessary because of the protections already in place for foster parents to have a voice.