

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 893
Foster Parents, Kinship Parents, Preadoptive Parents, and
Caregivers – Right to Intervene
DATE: February 10, 2021
(2/18)
POSITION: Oppose, as drafted

The Maryland Judiciary opposes House Bill 893, as drafted. This bill would amend the Courts and Judicial Proceedings Article and the Family Law Article to give all foster parents, kinship parents, preadoptive parents, and caregivers the right to intervene as a party in any child abuse or neglect, termination of parental rights, or adoption proceeding. Caregivers with whom the child has been living for at least 12 months shall be designated as a party upon request, whereas caregivers with whom the child has been living for less than 12 months may, at the discretion of the court, be granted party status.

The Judiciary supports the intention and substance of the bill, and notes that House Bill 893 addresses some of the concerns the Judiciary has raised on previous versions. However, the Judiciary remains concerned with the proposed change to Courts and Judicial Proceedings § 3-816.3(b), which would make the court jointly responsible for giving at least 10 days' notice to all foster parents, kinship parents, preadoptive parents, and caregivers. As noted in last year's opposition to House Bill 369, this is an impractical burden to lay on the courts, as it is the local department, not the court, who possesses that information. Currently, the statute requires the local department to make that notification. The child's caregivers may change frequently, and the court does not maintain those addresses or contact information. It would not be feasible for the court to provide written notice to every caregiver for every hearing.

cc. Hon. Kathleen Dumais
Judicial Council
Legislative Committee
Kelley O'Connor