

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 1272
Judiciary

(Delegate Acevero, *et al.*)

Judicial Proceedings

Family Law - Kinship Care

This bill requires a local department of social services, in selecting a placement that is in the best interest of a child in an out-of-home placement, to consider the child's feelings and views about a prospective kinship caregiver. When determining whether to approve an individual as a kinship caregiver, the local department must also consider the individual's (1) knowledge and understanding of the safety concerns that led to the need for the child's placement; (2) previous involvement in helping or protecting the child; (3) previous involvement in preventing occurrences of abuse or maltreatment of the child; (4) current ability to protect the child; (5) ability to understand the need for the protection of the child; (6) willingness to cooperate with the local department; (7) whether there have been previous or current allegations of abuse or neglect alleged against the individual by the child, the child's parent, or another relative of the child; (8) the individual's willingness to abide by court orders; and (9) the individual's willingness to cooperate with the child's parents and facilitate contact as ordered by the court and guided by the safety plan. The bill also expands the definition of a kinship caregiver to include an individual identified by the child, as otherwise specified by statute.

Fiscal Summary

State Effect: The bill does not materially affect State operations or finances.

Local Effect: The bill does not materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Current Law: The Department of Human Services (DHS), through its Social Services Administration, has the primary responsibility for child welfare services throughout the State, which are provided primarily by the local departments of social services.

DHS is required to establish a program of out-of-home placement for minor children (1) who are placed in the custody of a local department, for a period of up to 180 days, by a parent or legal guardian under a voluntary placement agreement; (2) who are abused, abandoned, neglected, or dependent, if a juvenile court has determined that continued residence in the child's home is contrary to the child's welfare and has committed the child to the custody or guardianship of a local department; or (3) who, with the approval of DHS, are placed in an out-of-home placement by a local department under a voluntary placement agreement regarding a child with a developmental disability or a mental illness, as specified. An out-of-home placement may include family foster care, group and residential care, kinship care, and a treatment foster care home.

Kinship Caregivers

Chapter 429 of 2024 altered statutory provisions relating to the kinship care program within DHS to further prioritize placing children in need of out-of-home placement with kinship caregivers. A "kinship caregiver" includes (1) a kinship parent; (2) an individual who is related to the child through blood or marriage, adoption, tribal law or custom, or cultural custom or practice; and (3) an individual who is unrelated to the child but has a strong familial or other significant bond with the child, or is a person *identified by the child's parent*. A kinship caregiver may not be younger than age 18.

A local department, in selecting a placement that is in the best interests of a child in need of out-of-home placement, must give preference to placement with a kinship caregiver, unless there is good cause to the contrary. If a local department cannot locate a kinship caregiver at the time of initial placement, preference must be given to a placement that most approximates a family in which the child's special needs, if any, may be met, taking into account (1) the proximity of the placement to the child's home, extended family, or siblings; (2) the child's culture or language continuity; (3) the child's age; and (4) the child's developmental and educational needs.

If a kinship caregiver is located *after* the placement of a child in a foster care setting, a local department must, in the best interest of the child, place the child with the kinship caregiver. A local department must approve an individual as a kinship caregiver if (1) the individual is related to the child through blood or marriage, adoption, tribal law or custom, or cultural custom or practice; (2) the individual has a strong familial or other significant

bond to the child or the child's family, or is a person identified by the child's parent; and
(3) placement with the individual is in the child's best interest.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Human Services; Department of Legislative Services

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