

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1290
Judiciary

(Delegate Woods, *et al.*)

Child in Need of Assistance - Proceedings - Child's Right to be Present

This bill specifies that a child who is the subject of a Child in Need of Assistance (CINA) proceeding has the right to be present at the proceeding. However, the court may exclude a child from a CINA proceeding if (1) the child's attorney determines that the child's presence at the proceeding is not in the best interest of the child and notifies the court that the child has waived the right to be present, or (2) the court, after consideration and findings on the record, determines that the child's presence at the proceeding is not in the best interest of the child. Before excluding a child from a CINA proceeding, the court must consider less restrictive alternatives, including adjustment of the court's schedule, remote participation for any party to the proceeding, trauma-informed support for the child, or limiting the time the child is physically in the courtroom. The child's attorney may not waive the child's right to be present at a consultation required by § 3-823 of the Courts and Judicial Proceedings Article, as specified.

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:

Child In Need of Assistance Proceedings – Generally

A CINA is a child who requires court intervention because (1) the child has been abused or neglected, has a developmental disability, or has a mental disorder and (2) the child's parents, guardian, or custodian are unable or unwilling to give proper care and attention to the child and the child's needs. Statutory provisions outline numerous requirements for CINA proceedings.

Courts and Judicial Proceedings Article § 3-823 – Permanency Plan for Out-of-Home Placement

At least every 12 months at a hearing to review the permanency plan of a CINA in out-of-home placement, the court must consult on the record with the child in an age-appropriate manner to obtain the child's view on permanency. If, after a hearing or with the agreement of all parties, the court determines that the child is medically fragile and that it is detrimental to the child's physical or mental health to be transported to the courthouse, the court may (1) visit the child at the child's placement and use appropriate technology to document the consultation for the record or (2) use video conferencing to consult with the child on the record during the hearing. The court must give notice to each party and an opportunity to attend a visit or video conference, unless the court determines that it is not in the best interest of the child for a party to attend the visit or video conference. Additional provisions address situations where a child's placement is out-of-State.

Maryland Rule 11-109

Maryland Rule 11-109 specifies that, unless a child's presence is excused by the court for good cause, the child's custodian must bring the child to all hearings under the Rules for juvenile causes. An attorney for the child may waive the child's presence in any proceeding other than a delinquency proceeding or a child consultation as required by § 3-823 of the Courts and Judicial Proceedings Article.

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

Fiscal Note History: First Reader - February 23, 2026
caw/jkb

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