

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 48
Judiciary

(Delegate Toles)

Family Law - Children in Need of Assistance and Termination of Parental Rights
(Right to Fight Act)

This bill repeals provisions that (1) in regard to a child in need of assistance (CINA) proceeding, authorize a local department of social services to ask the juvenile court to find that reasonable efforts to reunify a child with the child’s parent or guardian are not required if the local department concludes that a parent or guardian has involuntarily lost parental rights to a sibling of the child and (2) allow a juvenile court in ruling on a petition for guardianship of a child, upon a finding by clear and convincing evidence that the parent has involuntarily lost parental rights to a sibling of a child, to waive a local department’s obligations to provide certain services.

Fiscal Summary

State Effect: Potential impact on the operations and finances of the Department of Human Services (DHS), as discussed below.

Local Effect: The bill is not anticipated to materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Current Law:

Child in Need of Assistance Petitions – Waiver of Reunification Efforts

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 is unable or unwilling to give proper care and attention to the child and the child's needs.

In a CINA petition, a local department may ask the court to find that reasonable efforts to reunify a child with the child's parent or guardian are not required if the local department concludes that a parent or guardian has (1) subjected the child to specified aggravated circumstances; (2) been convicted, in any state or any court of the United States, of a crime of violence against a minor offspring of the parent or guardian, the child, or another parent or guardian of the child, or of aiding or abetting, conspiring, or soliciting to commit a crime of violence under these circumstances; or (3) involuntarily lost parental rights of a sibling of the child.

If the local department determines after the initial petition is filed that any of the circumstances specified above exists, the local department may immediately request the court to find that reasonable efforts to reunify the child with the child's parent or guardian are not required.

If the court finds by clear and convincing evidence that any of the circumstances specified above exists, the court must waive the requirement that reasonable efforts be made to reunify the child with the child's parent or guardian. If the court finds that reasonable efforts are not required, the local department must (1) request that a permanency planning hearing be held within 30 days of the court's finding, as specified in statute, and (2) make reasonable efforts to place the child in a timely manner in accordance with the permanency plan and complete the steps necessary to finalize the permanent placement of the child.

If a parent consents to the guardianship or adoption in accordance with Family Law Article §§ 5-320 or 5-338, as specified, loss of parental rights must be considered voluntary.

Nonconsensual Guardianship Petitions

If, after the consideration of specified factors (as generally required in Family Law Article § 5-323, subject to limited exception), a juvenile court finds by clear and convincing evidence that a parent is unfit to remain in a parental relationship with the child or that exceptional circumstances exist that would make a continuation of the parental relationship detrimental to the best interests of the child such that terminating the rights of the parent is in the child's best interests, the juvenile court may grant guardianship of the child without consent otherwise required under applicable statute and over the child's objection.

In ruling on a petition for guardianship of a child, a juvenile court must give primary consideration to the health and safety of the child and consideration to all other factors

needed to determine whether the termination of a parent's rights is in the child's best interests. Among other things, such factors include consideration of:

- all services offered to the parent before the child's placement and the extent to which a local department of social services and parent have fulfilled their obligations under any social services agreement (unless a court waives reunification efforts under § 3-812(d) of the Courts and Judicial Proceedings Article (as discussed above));
- the results of the parent's effort to adjust the parent's circumstances, condition, or conduct to make it in the child's best interests for the child to be returned to the parent's home, as specified;
- any abuse or neglect of the child or a minor, including any exposure of the child to drugs during the mother's pregnancy;
- whether the parent has involuntarily lost parental rights to a sibling of the child; and
- the child's emotional ties with and feelings toward the child's parents and siblings, the likely impact of terminating parental rights on the child's well-being, and the child's adjustment to community, home, placement, and school.

A juvenile court need not consider any factor discussed above in determining a child's best interests if, after a thorough investigation by a local department, the juvenile court finds that (1) the identities of the child's parents are unknown and (2) during the 60 days immediately after the child's adjudication as a CINA, no one has claimed to be the child's parent.

A juvenile court may waive a local department's obligations for services if the juvenile court finds by clear and convincing evidence that one or more certain acts or circumstances exists, including whether the parent has involuntarily lost parental rights to a sibling of the child. The juvenile court must then also, based on facts in the record, make a specific finding as to whether return of the child to a parent's custody poses an unacceptable risk to the child's future safety.

State Fiscal Effect: The bill's implementation may result in additional expenses for DHS, to the extent that services are provided to families who would not otherwise receive them due to existing statutory provisions regarding waivers and services. DHS anticipates that by decreasing the number of cases where a waiver of the obligation to provide services may be attained, expenditures may increase by an estimated \$300,000 on an annual basis. According to DHS, cases may take longer to resolve, thereby increasing expenditures related to case management and monthly care stipends; direct costs for other services may also be incurred, such as those related to parenting classes, specialized therapy, and substance-abuse treatment programs. General fund expenditures may therefore increase if additional cases require services; to the extent that certain costs are eligible for federal reimbursement, federal fund expenditures/revenues increase accordingly.

While acknowledging the general potential for a fiscal impact, the Department of Legislative Services is unable to validate the magnitude of the estimate provided by DHS. According to DHS, the electronic system of record does not currently track waivers for reunification, and it is unclear how many cases may ultimately be affected in a given year. For context, DHS advises that in fiscal 2025, the State had 28 children whose legal relationships with their biological parents were severed through a contested termination of parental rights hearing.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 944 of 2025.

Designated Cross File: None.

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

Fiscal Note History: First Reader - January 27, 2026
caw/jkb

Analysis by: Amanda L. Douglas

Direct Inquiries to:
(410) 946-5510
(301) 970-5510