

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Joint Resolution 4 (Delegates Kipke and Griffith)
Rules and Executive Nominations

Social Services Administration - Accountability - Protecting Maryland's Most Vulnerable

This joint resolution implores the Social Services Administration (SSA) in the Department of Human Services (DHS) to strictly comply with State law and regulations to protect children in guardianship homes from abuse or neglect, ensure facilities are properly certified, and implement audit recommendations to safeguard the welfare of children placed in State guardianship.

Fiscal Summary

State Effect: The bill's requirements can be handled with existing budgeted resources. Revenues are not affected.

Local Effect: The bill does not directly affect governmental operations or finances.

Small Business Effect: None.

Analysis

Current Law: DHS, through SSA, has the primary responsibility for child welfare services throughout the State, which are provided primarily by the local departments of social services (LDSSs).

DHS must 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.

In establishing the out-of-home placement program, SSA must:

- provide time-limited family reunification services to a child placed in an out-of-home placement and to the parents or guardian of the child, to facilitate the child's safe and appropriate reunification within a timely manner;
- concurrently develop and implement a permanency plan that is in the best interests of the child; and
- provide training on an annual basis for the staff at each LDSS who administer requests for voluntary placement agreements for children with developmental disabilities or mental illnesses.

Child in Need of Assistance

A child in need of assistance (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. A former CINA may remain in an out-of-home placement under a voluntary placement agreement for more than 180 days if the former CINA continues to comply with the voluntary placement agreement and a juvenile court makes a finding that the continuation of the placement is in the best interest of the CINA.

A court must hold an initial guardianship review hearing to establish a permanency plan for the child; at least once each year after the initial guardianship review hearing (and until the juvenile court's jurisdiction terminates), the court must hold a guardianship review hearing. A child's permanency plan may be, in order of priority, (1) adoption of the child; (2) custody and guardianship of the child by an individual; or (3) for a child at least age 16, another planned permanent living arrangement that addresses the individualized needs of the child, including the child's educational plan, emotional stability, physical placement, and socialization needs and includes goals that promote the continuity of relations with individuals who will fill a lasting and significant role in the child's life.

Before granting custody and guardianship, the court must consider (1) any assurance by the local department that it will provide funds for necessary support and maintenance for the child; (2) all factors necessary to determine the best interests of the child; and (3) a

report by a local department or a licensed child placement agency, completed in compliance with regulations adopted by DHS, on the suitability of the individual to be the guardian of the child. The report must include a home study, child protective services history, criminal history records check, and review of the proposed guardian's physical and mental health history. A court may not enter an order granting custody and guardianship until the report is submitted to and considered by the court.

Additional Comments: In September 2025, the Office of Legislative Audits published an audit report on SSA, finding, among other things, that SSA did not (1) ensure foster care children received required medical and dental exams; (2) take appropriate corrective action when LDSSs did not conduct timely child abuse and neglect investigations; (3) ensure federal eligibility determinations were performed properly and timely, resulting in the potential loss of up to \$23.0 million; or (4) pursue the collection of approximately \$4.8 million in provider overpayments. On October 27, 2025, in response to the audit, DHS [provided](#) departmental actions intended to correct audit findings.

Additional Information

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

Designated Cross File: None.

Information Source(s): Department of Human Services; Department of Legislative Services

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jg/jc

Analysis by: Amberly E. Holcomb

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