

**Department of Legislative Services**  
Maryland General Assembly  
2026 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 604

(Senator M. Washington)

Judicial Proceedings

---

**Adoption, Foster Care, and Public Services - Prohibition Against Discrimination**

---

This bill generally codifies regulations that prohibit certain discriminatory practices by the Department of Human Services (DHS), local departments of social services, individuals receiving funds through the department, and child placement agencies in connection with the provision of public services, employment, and adoption, as applicable. The bill, however, also includes gender identity as a protected class. In addition, the bill prohibits the Social Services Administration (SSA) (or other delegated unit within DHS) and any agency, institution, or facility that administers foster care in the State from discriminating against a foster parent, prospective foster parent, or a child in foster care on the basis of sexual orientation, gender identity, or marital status.

---

**Fiscal Summary**

**State Effect:** The bill is not anticipated to materially affect State finances or operations.

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

**Small Business Effect:** Minimal.

---

**Analysis**

**Bill Summary:**

*Adoptive Parent Applications*

A child placement agency may not deny an individual's application to be an adoptive

parent (1) because the individual is divorced, separated from a spouse, not married, has other children in the family, does not own a home, or is unable to pay a reasonable fee for adoption services or (2) because of the applicant's or adoptive child's race, color, culture, national origin, sexual orientation, ethnicity, or *gender identity*.

A child placement agency must deny an application if the agency determines that an applicant:

- has a child support account that is in substantial arrearage, which may affect the applicant's ability to provide for the adoptive child;
- has insufficient funds to provide adequately for the adoptive child;
- has physical or mental health issues that preclude the ability to parent the adoptive child;
- is younger than age 18;
- has a criminal background or record of child abuse or neglect that precludes the possibility of being an adoptive parent;
- has an active adoption application or home study with another child placement agency;
- had a previous application denied for a valid reason;
- is a member of the child placement agency's governing board;
- is an adoption service employee of the child placement agency;
- has a living space that is inadequate for an additional family member; or
- knowingly provided false information on the application.

#### *Provision of Services and Employment Practices*

DHS, a local department, or any individual or entity that receives funds from DHS, or from whom DHS purchases services, may not discriminate (1) in the provision of services to the public based on race, religion, color, national origin, sex, physical or mental disability, age, sexual orientation, or *gender identity* or (2) in employment practices based on political or religious affiliation or opinion, marital status, or one of the aforementioned characteristics.

Discrimination that is otherwise prohibited by the bill is authorized when the practices are authorized by another law or the distinction is based on:

- sex or age as authorized or required by statute;
- religion when necessary to protect the religious heritage of a minor; or
- disability when necessary to provide disabled individuals with aid, care, services, or benefits that are comparable to those provided to all recipients.

**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. These services support the healthy development of families, assist families and children in need, and protect abused and neglected children. Programs include foster care, family preservation, adoption, child protective services, and family reunification.

*Nondiscrimination Requirement:* As a State agency and recipient of federal funds, DHS, local departments, and individuals receiving funds through DHS may not engage in discriminatory practices. In providing services to the public, discrimination is prohibited based on race, religion, color, national origin, sex, physical or mental disability, age, or sexual orientation. Discrimination in providing services to the public is allowed when the distinction is based on (1) sex or age permitted or required by statute; (2) religion necessary to protect the religious heritage of a minor; or (3) disability necessary to provide disabled individuals with aid, care, services, or benefits that are comparable to all recipients. Further, in employment practices, discrimination is prohibited based on political or religious opinion or affiliation, marital status, and a characteristic specified above. These provisions apply to other agencies, organizations, employers, institutions, and contractors from whom DHS purchases services, except when the discriminatory practices are permitted by law (COMAR 07.01.03.03).

*Criteria for Consideration as an Adoptive Parent:* A child placement agency may not deny an individual's application to be an adoptive parent because (1) an individual is divorced, is separated from a spouse, is not married, has other children in the family, does not own a home, or is unable to pay a reasonable fee for adoption services or (2) of the applicant's or adoptive child's race, color, culture, national origin, sexual orientation, or ethnic heritage.

However, the agency must deny an application if it determines that an individual's (1) child support account is in substantial arrearage which may affect the applicant's ability to provide for an adopted child; (2) economic situation is insufficient to provide adequately for a child; (3) physical or mental health precludes the ability to parent a child; (4) age is younger than 18; (5) criminal background or record of child abuse or neglect precludes the possibility of being an adoptive parent; (6) adoption application or home study is active with another child placement agency; (7) previous home study by a child placement agency reveals the individual was denied for valid reasons; (8) status is that of member of a governing board or adoption service employee of the agency; (9) living space is inadequate for an additional family member; or (10) application information is known by the applicant to be false (COMAR 07.05.03.09).

## **Additional Information**

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

**Designated Cross File:** None.

**Information Source(s):** Maryland Commission on Civil Rights; Department of Human Services; Department of Legislative Services

**Fiscal Note History:** First Reader - February 17, 2026  
jg/jkb

---

Analysis by: Amanda L. Douglas

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