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July 31, 2026

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Maryland Legal Aid Secures Supreme Court Victory Protecting Children's Right to Participate in Child Welfare Hearings

Baltimore, MD – Maryland Legal Aid is celebrating an important victory for children and families after the Supreme Court of Maryland confirmed that children in Child in Need of Assistance (CINA) proceedings have a due process right to attend and participate in hearings that determine where they live and who will care for them.

In its July 24, 2026, decision in *In re: K.B.*, the Supreme Court reversed a ruling of the Appellate Court of Maryland and held that a Worcester County juvenile court violated K.B.'s procedural due process rights when it excluded her from a contested CINA hearing. Maryland Legal Aid represented K.B. before the Supreme Court, and Erica I. LeMon, Maryland Legal Aid's Advocacy Director for Children's Rights, argued the case on her behalf.

"This opinion is a landmark decision that reinforces the vital role of a child in proceedings that profoundly affect their lives and futures. It provides clear guidance on due process and meaningful participation that will prove invaluable for years to come," said LeMon.

A CINA proceeding allows a court to intervene when a child has been abused, neglected, has a developmental disability, or has a mental disorder, and the child's parent, guardian, or custodian is unable or unwilling to provide proper care and attention. Children are parties in these cases and are assigned an attorney to represent their position and/or best interest depending on the circumstances. In K.B.'s case, the juvenile court was considering whether she should be removed from her grandmother's custody, where she had lived nearly all her life, and placed in the custody of the Worcester County Department

of Social Services. Although K.B. wanted to attend the hearing, and her attorney objected to her exclusion, the court removed her from the courtroom and later approved her removal from her grandmother's custody.

The Supreme Court held that when a child in a CINA case wishes to attend a hearing, the child is entitled to do so unless the court determines, based on evidence specific to that child, that attending would harm the child's well-being and that the potential harm outweighs the child's due process right to participate. The Court also made clear that general assumptions based on a child's age or the sensitive nature of a case are not enough, and that any exclusion must be no broader than necessary.

The Supreme Court also held that when a child is wrongfully excluded, the child does not have to prove that being present would have changed the court's decision. The harm is presumed because exclusion prevents the child from hearing testimony, alerting counsel to inaccurate information, providing important context, and participating in decisions as the hearing unfolds.

“This Maryland Supreme Court decision says to children what Maryland Legal Aid has been advocating for decades – you matter, your voice matters, and you belong in courtrooms where key decisions about your family, your rights, and your future are being made,” said Kristen Pisani-Jacques, Deputy Legal and Advocacy Director at Maryland Legal Aid.

Although K.B. had already been reunited with her grandmother and the underlying CINA case had ended by the time the Supreme Court considered the appeal, the Court chose to decide the constitutional question because of its importance to children throughout Maryland.

For more information or to arrange interviews with Maryland Legal Aid attorneys, please contact Nicholle Granger at ngranger@mdlab.org.

About Maryland Legal Aid

Established in 1911, Maryland Legal Aid is a statewide nonprofit 501(c)(3) law firm that advocates with and for Marylanders experiencing poverty to achieve equity and social

justice through free civil legal services, community collaboration, and systemic change. From its 11 offices across the state and through its many community-based clinics, Maryland Legal Aid helps clients preserve and access safe and affordable housing; maintain custody of their children and be safe from domestic violence; and increase their economic security by defending against consumer debt, including foreclosures and tax sales, removing barriers to employment, and accessing critical income supports such as Medicaid, SNAP, unemployment, and other vital public benefits. In its advocacy, Maryland Legal Aid seeks to change systems that perpetuate poverty and inequity.