

The Baltimore Banner

Maryland foster children are being kept overnight in hotels and downtown office buildings

The placements are a last resort when no other options are available in foster care and group homes, social workers say

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A shortage of suitable family placements means that foster children have been staying in hotels and offices. (Laila Milevski/The Baltimore Banner. Original photos by Alex MacGillis/The Baltimore Banner and Getty Images)

Foster children are living in hotels around the state and spending nights at a commercial office building in downtown Baltimore when no other options are available, a failure of the state agency overseeing local social services departments, according to those who represent and care for the kids.

The practice also violates federal and state laws, attorneys representing the children said.

About 11 children spent at least one night in the Baltimore City Department of Social Services office building on Calvert Street in the first six months of 2022. The agency has outfitted the office building with beds, a shower and a play area to keep children overnight, officials confirmed. About 56 children have spent a total of 200 hours in the offices in the first six months of this year, according to attorneys and the Maryland Department of Human Services.

Teenagers also are living in hotel rooms, often supervised by a contract worker in the hallway who is responsible for multiple children, according to Erica LeMon, director of advocacy for children's rights at Maryland Legal Aid. This year, 23 children represented by Legal Aid have stayed for two nights or more in hotels, LeMon said. Most of those teenagers are from Baltimore, Anne Arundel, Montgomery and Prince George's counties and Baltimore City, she said. Legal Aid only represents about half the children in foster care in the state. In Prince George's, she said, some teenagers have been relegated to homeless shelters.

'Better than being homeless'

Attorneys said the teenagers in hotels often only have access to a small refrigerator and gift cards to fast food restaurants and convenience stores. They are expected to feed themselves, keep track of their medications and do their own laundry. The attorneys said the practice is concerning for many reasons, particularly because these children often have complex mental health needs.

"That is a standard they have decided is okay because it is better than being homeless," said Amy Petkovsek, deputy chief counsel at Maryland Legal Aid. "These children are often abused or neglected, and this is how the state is choosing to raise them."



The Baltimore City Department of Social Services building. (Kirk McKoy/The Baltimore Banner)

With a reduced caseload of about 35 children, Petkovsek said at least six of her clients are being housed in hotels. Some are there for months or even longer. The practice came about during the coronavirus pandemic and has not scaled back, she added.

“I’m not blaming the social workers; they are doing the absolute best they can. It’s a system problem — a state of Maryland system problem,” Petkovsek said.

These placements are considered a last resort for social workers to hold children when foster families, group homes or other residential facilities aren’t available. Though it is illegal, state employees and social workers say it sometimes is the best option for kids with intense needs.

A spokesperson from the state Department of Human Services said the number of children who are kept in unlicensed facilities represents about 3% of the total number of children in the agency’s care. That number was

consistent despite the challenges brought on by the coronavirus pandemic, DHS spokeswoman Katherine Morris said.

“Our local Departments of Social Services make every effort to place all youth within a 4-hour time period through an exhaustive placement search; however in some instances an appropriate placement is not readily identifiable for every youth as a result of significant placement challenges,” Morris said in an email, adding that mobile crisis services are dispatched to children who refuse placements.

A dearth of options

This phenomenon underscores a statewide shortfall of placement options for children with complex emotional and behavioral needs. The Baltimore Banner reported last month that hundreds of children, many of them foster children, have been [stuck living in emergency departments](#) and other sections of hospitals for weeks and months, even though they have no medical reason for being there and often take beds away from needy patients.

[[Maryland kids in distress are being kept in emergency departments for weeks, months](#)]

A Baltimore Banner analysis of these children found that 80-100 kids in state custody every year are staying in hospitals longer than medically necessary — for weeks and sometimes months. The analysis also found that the number of hospital stays past the point of medical necessity for these children increased as out-of-state placements dropped, signifying a dearth of options in Maryland.

Ideally, a wide spectrum of public and private services would be available in Maryland for children and families with complex and specialized needs, including family therapy, mobile crisis teams and short- and long-term inpatient and outpatient treatment facilities. But state officials, attorneys, health care workers and social workers say public options have been scaled back over the last decade, causing shortfalls in the availability of other placements.

Many of the children staying in the offices are teenagers for whom social workers have not been able to secure placements. Others have left other

placements and returned to the Baltimore City DSS office building on Calvert Street because they didn't feel safe or cared for at their assigned placements, said attorneys Mitchell Y. Mirviss, co-chair of Venable LLP's appellate litigation group, and Stephanie S. Franklin, president and CEO of the Franklin Law Group. They represented Baltimore City foster children in a federal class action lawsuit that resulted in a modified consent decree that bars the placement of foster children in unlicensed facilities.

The Maryland Department of Human Services, the state agency that oversees local social services agencies like Baltimore's, said that in some instances teenagers have refused to go to a group home or other placement. A spokesperson from the department said two Baltimore children overseen by the local social service departments were being housed in a hotel. The agency only provided the number of Baltimore City youths in hotels, rather than a statewide number of those housed in hotels.

Systemic breakdown

The conundrum, the attorneys said, points to a systemic breakdown in how Maryland officials address the complex needs of youths and families. State investment in foster children, kids with disabilities and young people with complex mental health needs has declined over the last decade, they said, forcing young people into situations where they receive insufficient or substandard care.

"The problem is, these are unlicensed placements. They're illegal placements," Franklin said about the use of office buildings. "The sticking point here is that ... we don't have a number of appropriate placements to address the specific needs of the population."

The attorneys said the practice of caring for kids in unlicensed commercial buildings — which violates their constitutional rights and federal and state statutes, as well the Baltimore City DSS's modified consent decree — is not new.

Following a lawsuit filed by attorneys representing foster children against the Baltimore City DSS, the two sides entered into a consent decree in 1988 that specifically prohibits the use of hotels and offices. It says:

“Barring extraordinary circumstances, no child may be housed in an office for consecutive nights.”

But in the first six months of this year, 11 children stayed for a total of 23 nights, likely indicating that multiple children stayed more than one night.

Attorneys said the conditions inside the office buildings have improved over the years: Franklin and Mirviss said the children sleep in beds or cribs; have access to bathrooms with showers; are provided with games, clothes, toys and television sets; and have state social workers or administrators monitoring them around-the-clock. In previous years, they slept on the floor, in hard chairs or on thin mattresses.

‘It’s not your Sheratons and it is not your Marriotts’

In hotels, children are often housed in places where the state also houses individuals and families experiencing homelessness, LeMon said.

“It’s not your Sheratons and it is not your Marriotts,” LeMon said. “They have other populations that are not tourists.”

The youth can go to school and leave the hotel, but they often don’t have much contact with friends and family, LeMon said. They may end up a long distance from the school they were attending, which makes it difficult for them to continue their education.

In addition, their meals usually come from fast-food restaurants, and they have no easy place to wash their clothes, LeMon said. “These are definitely the kids who are hardest to place and have mental health issues. For the most part, it has been teenage boys, and from my experience, it has been our Black and brown boys,” LeMon said.

Petkovsek said while kids may not be averse to the hotels and may even make friends there, it still does not serve as an appropriate placement.

“None of our youth should be asked to go through school, go to therapy, go through their traumas and be responsible for their own food,” Petkovsek said. “Our kids are being raised in hotels by young adults on shift work, eating out of mini fridges or 7-Eleven. It’s not a substitute for a parent or an adult caregiver.”

The attorneys are frustrated by the lack of action by state officials. “You have to rise to the occasion. You have to figure something out,” LeMon said, adding that these children don’t have lobbyists who will go to Annapolis to lobby for them.

This year, attorneys are seeing more Maryland children housed in places of last resort, such as offices, hotels and emergency departments. For years, the [offices have been used as a temporary fallback option](#) for when homes or other facilities don’t have vacancies.

Mirviss said he did not know why the number of kids staying in offices has gone up, nor why it is happening in tandem with the rise of children being boarded in hospitals. But he faulted state officials for failing to provide a more robust continuum of care for foster kids and other children with complex or specialized needs. He and other attorneys said the state lost foster care families during the pandemic and a number of congregate care homes for children have closed.

“We have never moved for an order to flatly prohibit [boarding in unlicensed facilities] and we have never sought a court order to close it down, because where are the children going to go?” Mirviss said. “And the children’s attorneys and representatives have told us consistently over the years, ‘Please don’t do that.’ Because it’s a roof. And it’s better now than it was.”

The practice is not unique to Maryland, experts say, but one that states across the country have struggled to curb.

‘A real crisis’

“The use of these short-term, often-unlicensed, placements is something that is emerging around the country as a real crisis,” said Jean Strout, a senior attorney at the National Center for Youth Law, which brought a lawsuit against the state of Washington for housing children in offices and hotels and cycling children through short-term placements in foster families. During the pandemic, Strout said, some foster families decided not to take children into their homes because of concerns about contracting COVID-19.

The number of children cared for in the Maryland buildings fluctuates each year, according to the attorneys, who are alerted by the consent-decree monitor every time a young person stays in one for more than four hours at a time. Children who are held there often spend the night, the attorneys said, and some have stayed for a week or longer.

State health care workers have long decried the practice, which at times violates their clinical licenses and can drain resources, said Patrick Moran, president of the American Federation of State, County and Municipal Employees, Council 3, which represents state workers.

A licensed social worker, for example, can't provide clinical care to a child in a building that isn't licensed for such care to occur. Providing care to a child in an office building could also violate children's federal rights to privacy.

"Over the last eight years, it's been happening more than it ever should," Moran said of kids boarding in office buildings. "Our workers are asked to put their licenses in jeopardy because there are not as many foster care placements as in the past, because this [Hogan] administration isn't funding it or recruiting enough people, which is their obligation."

Not enough foster parents

Melissa Schober, senior policy analyst at the University of Maryland School of Social Work's Institute for Innovation and Implementation, cited a shortage of the number of available foster care families in Maryland who are qualified to care for the kids most in need, which can include children with disabilities, kids who are gender non-conforming or young people who don't speak English as a first language.

"There are not enough state foster parents for children with complex or intense behavioral health needs," Schober said. "We need to rethink the way we recruit and train and support foster families in this state."

She said there also may be a mismatch in what services are reimbursable for Maryland foster care children compared with other states. Maryland, for example, does not yet offer Medicaid-reimbursed mobile crisis teams who pay visits to foster care families as a matter of course before or during an emergency. As a result, families may not know who to call or

how to respond in a crisis moment, she said, which could cause the foster care relationship to collapse.

Schober's colleague, Deborah S. Harburger, a clinical instructor and the director of policy, finance and systems design at the Institute for Innovation and Implementation, said while the practice is not ideal, boarding in offices may be preferable to temporarily housing young people in places where they don't feel safe or where they will incur more trauma from another temporary placement.

"They shouldn't be in an office; none are good, or designed for them," she said. "But how does a young person feel safe and heard?"

The practice, Harburger said, also signals a lack of foresight in the state's overall plan for attending to the needs of kids and families.

"What is the thing that happens that tips this into an emergency," she said. "This didn't come out of nowhere; it's a system issue."

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