
By: **Delegates Rosenberg, Bohanan, Branch, Gaines, and Niemann**

Introduced and read first time: January 27, 2005

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Child Welfare - Integration of Child Welfare and Family Counseling Services**

3 FOR the purpose of requiring the Secretary of Human Resources, after consultation
4 with certain persons, to develop a statewide program for integrating child
5 welfare services and family counseling services; specifying the elements to be
6 included in the program; requiring the Secretary to submit certain reports;
7 requiring the Governor to include certain funds in the State budget under
8 certain circumstances; requiring the Department of Human Resources to adopt
9 certain regulations; defining certain terms; providing for the construction of this
10 Act; and generally relating to the establishment of integrated child welfare and
11 family counseling services.

12 BY adding to

13 Article - Family Law

14 Section 5-1301 through 5-1306, inclusive, to be under the new subtitle "Subtitle

15 13. Integration of Child Welfare and Family Counseling Services"

16 Annotated Code of Maryland

17 (1999 Replacement Volume and 2004 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article - Family Law**

21 **SUBTITLE 13. INTEGRATION OF CHILD WELFARE AND FAMILY COUNSELING**
22 **SERVICES.**

23 5-1301.

24 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
25 INDICATED.

26 (B) "AT-RISK PARENT" MEANS A PARENT WHO COMMITTED A CRIME OF
27 VIOLENCE OR BEEN FOUND TO HAVE ABUSED OR NEGLECTED A CHILD.

1 (C) "CHILD WELFARE PERSONNEL" MEANS PARAPROFESSIONALS,
2 CASEWORKERS, CASEWORK SUPERVISORS, AND ADMINISTRATORS WHO WORK IN
3 CHILD WELFARE PROGRAMS ADMINISTERED BY THE DEPARTMENT.

4 (D) "COURT" HAS THE MEANING STATED IN § 5-701 OF THIS TITLE.

5 (E) "LOCAL DEPARTMENT" MEANS A LOCAL DEPARTMENT OF SOCIAL
6 SERVICES FOR A COUNTY.

7 (F) "OUT-OF-HOME PLACEMENT" MEANS PLACEMENT OF A CHILD INTO
8 FOSTER CARE, KINSHIP CARE, GROUP CARE, OR RESIDENTIAL TREATMENT CARE.

9 (G) "FAMILY COUNSELING SERVICES" MEANS A PROGRAM THAT PROVIDES
10 THE FOLLOWING SERVICES OR REFERRALS FOR AT-RISK PARENTS AND THEIR
11 CHILDREN:

12 (1) FAMILY SUPPORT SERVICES;

13 (2) FAMILY PLANNING SERVICES;

14 (3) ABSTINENCE EDUCATION, CONSISTENT WITH REGULATIONS
15 ADOPTED BY THE STATE BOARD OF EDUCATION FOR HEALTH EDUCATION; AND

16 (4) ADOPTION SERVICES.

17 (H) "FAMILY COUNSELING SPECIALIST" MEANS CHILD WELFARE PERSONNEL
18 WHO HAVE SPECIFIC KNOWLEDGE CONCERNING FAMILY COUNSELING SERVICES.

19 (I) "FAMILY SUPPORT SERVICES" MEANS PROVIDING PREGNANT WOMEN AND
20 YOUNG PARENTS WITH CHILDREN FROM BIRTH THROUGH THE AGE OF 3 YEARS
21 COMPREHENSIVE, PREVENTIVE SERVICES RELATED TO CHILD AND PARENT HEALTH,
22 EARLY IDENTIFICATION OF AND REFERRAL FOR DEVELOPMENTAL DELAYS,
23 IMPROVED PARENTING SKILLS, INCREASED USE OF FAMILY PLANNING, AND
24 SKILL-BUILDING IN FAMILY, SOCIAL, AND ECONOMIC SELF-SUFFICIENCY AND
25 SELF-ADVOCACY.

26 (J) "TRAINING" MEANS TRAINING OF CHILD WELFARE PERSONNEL,
27 PROVIDED BY QUALIFIED TRAINERS WITH AN APPROVED CURRICULUM IN
28 ESSENTIAL AREAS, INCLUDING FAMILY SUPPORT, FAMILY PLANNING, ABSTINENCE
29 EDUCATION, AND ADOPTION SERVICES.

30 5-1302.

31 (A) ON OR BEFORE DECEMBER 1, 2005, THE SECRETARY OF HUMAN
32 RESOURCES SHALL, AFTER CONSULTATION WITH A BROAD RANGE OF CHILD
33 WELFARE PROFESSIONALS, JUDGES, ATTORNEYS, LICENSED SOCIAL WORKERS,
34 LOCAL DEPARTMENTS, AND CHILD ADVOCATES, DEVELOP A STATEWIDE PROGRAM
35 FOR INTEGRATING CHILD WELFARE AND FAMILY COUNSELING SERVICES THAT
36 INCLUDES AT A MINIMUM THE FOLLOWING:

- 1 (1) REQUIRING TRAINING FOR AT LEAST ONE CHILD WELFARE
2 CASEWORKER IN A LOCAL DEPARTMENT;
- 3 (2) PLACING TRAINED CHILD WELFARE CASE WORKERS IN LOCAL
4 DEPARTMENTS, BASED ON A CASELOAD FORMULA DEVELOPED BY THE
5 DEPARTMENT;
- 6 (3) DEVELOPING AN APPROVED CURRICULUM FOR THE TRAINING AND
7 CRITERIA FOR QUALIFIED TRAINERS USING THE MOST RECENT ACADEMIC
8 RESEARCH AND BEST PRACTICES FROM OTHER STATES;
- 9 (4) A PLAN FOR PROVIDING FINANCIAL INCENTIVES FOR CHILD
10 WELFARE PERSONNEL WHO ACHIEVE SPECIFIED LEVELS OF EXPERTISE;
- 11 (5) IN ALL CASES INVOLVING AN AT-RISK PARENT, ASSURING THAT
12 PARENTS AND CHILDREN HAVE AN OPPORTUNITY TO CONSULT WITH A QUALIFIED
13 FAMILY COUNSELING SPECIALIST;
- 14 (6) SPECIFYING THE CIRCUMSTANCES UNDER WHICH A LOCAL
15 DEPARTMENT SHALL INCLUDE, FOR A CHILD IN NEED OF ASSISTANCE PETITION
16 UNDER TITLE 3, SUBTITLE 8 OF THE COURTS ARTICLE, A REQUEST THAT THE COURT
17 ORDER FAMILY COUNSELING SERVICES;
- 18 (7) ESTABLISHING A PROCEDURE FOR NOTIFYING THE LOCAL
19 DEPARTMENT OF THE RESULTS OF FAMILY COUNSELING SERVICES;
- 20 (8) ESTABLISHING A PROCEDURE FOR NOTIFYING AN AT-RISK PARENT
21 OF THE AVAILABILITY OF FAMILY COUNSELING SERVICES;
- 22 (9) DEVELOPING PROCEDURES FOR ROUTINE CONSULTATION AND
23 REEVALUATION OF PROGRESS IN FAMILY COUNSELING SERVICES AT EVERY STEP AS
24 A CHILD WELFARE CASE PROCEEDS; AND
- 25 (10) DEVELOPING A PROCEDURE FOR QUARTERLY FOLLOW-UPS BY
26 CHILD WELFARE PERSONNEL AFTER AN AT-RISK PARENT RECEIVES FAMILY
27 COUNSELING SERVICES.
- 28 (B) NO LATER THAN DECEMBER 1, 2005, THE SECRETARY OF HUMAN
29 RESOURCES SHALL SUBMIT A REPORT TO THE GOVERNOR AND, SUBJECT TO § 2-1246
30 OF THE STATE GOVERNMENT ARTICLE, THE SENATE JUDICIAL PROCEEDINGS
31 COMMITTEE AND THE HOUSE APPROPRIATIONS COMMITTEE THAT:
- 32 (1) SETS FORTH THE STATEWIDE PROGRAM DEVELOPED UNDER THIS
33 SECTION; AND
- 34 (2) IDENTIFIES THE AMOUNT AND SOURCES OF FUNDS THAT ARE BEING
35 USED TO IMPLEMENT THE STATEWIDE PROGRAM DEVELOPED UNDER THIS SECTION
36 AND THE OTHER REQUIREMENTS OF THIS SUBTITLE.

1 (C) THE STATEWIDE PROGRAM DEVELOPED UNDER THIS SECTION SHALL BE
2 IMPLEMENTED IN EACH COUNTY OF THE STATE.

3 5-1303.

4 SUBJECT TO THE AVAILABILITY OF FUNDS, THE GOVERNOR SHALL INCLUDE IN
5 THE STATE BUDGET FOR FISCAL YEAR 2007 AND ALL SUCCEEDING FISCAL YEARS
6 SUFFICIENT FUNDS TO ENSURE THAT EACH AT-RISK PARENT RECEIVES FAMILY
7 COUNSELING SERVICES WHEN THE AT-RISK PARENT INDICATES A DESIRE TO
8 RECEIVE FAMILY COUNSELING SERVICES AFTER CONSULTING WITH A FAMILY
9 COUNSELING SPECIALIST OR AS SOON THEREAFTER AS POSSIBLE.

10 5-1304.

11 (A) ON OR BEFORE DECEMBER 15, 2005, AND ANNUALLY THEREAFTER UNTIL
12 DECEMBER 15, 2009, THE SECRETARY OF HUMAN RESOURCES SHALL REPORT TO THE
13 GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE
14 SENATE JUDICIAL PROCEEDINGS COMMITTEE AND THE HOUSE JUDICIARY
15 COMMITTEE, ON ITS PROGRESS IN COMPLYING WITH THE PROVISIONS OF THIS
16 SUBTITLE.

17 (B) THE REPORT SHALL COMPARE THE AVAILABILITY OF FAMILY
18 COUNSELING SERVICES FOR AT-RISK PARENTS AND THEIR CHILDREN RELATIVE TO
19 ACTUAL DEMAND AND ESTIMATED NEED.

20 5-1305.

21 THE DEPARTMENT OF HUMAN RESOURCES SHALL ADOPT REGULATIONS TO
22 CARRY OUT THIS SUBTITLE.

23 5-1306.

24 THIS SUBTITLE MAY BE REFERRED TO AS THE "INTEGRATION OF CHILD
25 WELFARE AND FAMILY COUNSELING SERVICES ACT".

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be
27 construed or interpreted to change the criteria in effect on the effective date of this
28 Act for determining when a child may be removed from the custody of a parent or
29 other legal guardian.

30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2005.