

Department of Legislative Services
 Maryland General Assembly
 2005 Session

FISCAL AND POLICY NOTE

House Bill 302 (Delegate Rosenberg, *et al.*)
 Appropriations

Child Welfare - Integration of Child Welfare and Family Counseling Services

This bill requires the Secretary of Human Resources to develop a statewide program for integrating child welfare and family counseling services by December 1, 2005. Family counseling services are defined as family support services, family planning services, abstinence education, and adoption services. The program must be implemented in each Maryland county. Subject to availability, the Governor must include sufficient funds in the budget beginning in fiscal 2007 to ensure that each at-risk parent receives family counseling services if the parent indicates a desire to do so after consulting with a family counseling specialist or as soon as possible thereafter. Uncodified language states that nothing in the bill may change the criteria for determining when a child may be removed from a parent’s or legal guardian’s custody.

Fiscal Summary

State Effect: No effect in FY 2006 as the Department of Human Resources (DHR) designs the program. General fund expenditures could increase by \$636,900 in FY 2007. No effect on revenues. Future years reflect annualization and inflation.

(in dollars)	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
GF Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	0	636,900	616,200	654,000	694,800
Net Effect	\$0	(\$636,900)	(\$616,200)	(\$654,000)	(\$694,800)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The program must be developed after the Secretary consults with a broad range of child welfare professionals, judges, attorneys, licensed social workers, local departments of social services (LDSS), and child advocates.

At a minimum, the program must:

- require training for at least one child welfare caseworker in a LDSS, including training in family support, family planning, abstinence education, and adoption services;
- place trained child welfare caseworkers in LDSS, based on a caseload formula developed by DHR;
- develop an approved training curriculum and criteria for qualified trainers;
- have a plan for providing financial incentives for child welfare personnel who achieve specified levels of expertise;
- assure that an at-risk parent (a parent who committed a crime of violence or who has been found to have abused or neglected a child) and the parent's children can consult with a qualified family counseling specialist;
- specify the circumstances under which a LDSS must include, for a child in need of assistance (CINA) petition, a request that the court order family counseling services;
- establish a procedure for notifying the LDSS of the family counseling services' results;
- establish a procedure for notifying an at-risk parent of available counseling services;
- develop procedures for routine consultation and reevaluation of counseling services at every step as a child welfare case proceeds; and
- develop a procedure for quarterly follow-ups by child welfare personnel after an at-risk parent receives family counseling services.

DHR must adopt regulations implementing the bill.

By December 1, 2005, the Secretary must submit a report to the Governor, the Senate Judicial Proceedings Committee, and the House Appropriations Committee that sets forth the program and identifies the amount and sources of funds being used to implement the program and the bill's other requirements.

By December 15, 2005, and annually thereafter until December 15, 2009, the Secretary must report to the Governor, the Senate Judicial Proceedings Committee, and the House Judiciary Committee on its progress in complying with the bill. The report must compare the availability of family counseling services for at-risk parents and their children relative to the actual demand and the estimated need.

Family support services are defined as providing pregnant women and young parents with children from birth through age three comprehensive, preventative services related to child and parent health, early identification of and referral for developmental delays, improved parenting skills, increased use of family planning, and skill-building in family, social, and economic self-sufficiency and self-advocacy.

Current Law: A CINA is a child who requires court intervention because: (1) the child was abused or neglected or has a developmental disability or a mental disorder; and (2) the child's parents, guardian, or custodian are unable or unwilling to give the proper care and attention to the child and the child's needs.

After a CINA petition is filed, the court must hold an adjudicatory hearing. Unless a CINA petition is dismissed, the court must hold a separate disposition hearing after an adjudicatory hearing to determine whether the child is a CINA. The court must either: (1) find that the child is not in need of assistance and, except when the allegations are sustained against only one parent, dismiss the case; or (2) find that the child is in need of assistance and either not change the child's custody status or commit the child to the custody of a parent, relative, other individual, or a local department of social services; the Department of Health and Mental Hygiene (DHMH); or both. The court also may order the child and the child's parent, guardian, or custodian to participate in rehabilitative services that are in the best interest of the child and family.

Chapter 551 of 2000 required DHR and DHMH to develop a statewide protocol for integrating child welfare and substance abuse treatment services.

Background: In fiscal 2004, the Division of Correction (DOC) intake for persons convicted of a violent crime was 1,193 persons. However, DOC advises that this number undercounts first degree assault, carjacking, and some other offenses because DOC currently does not use codes that track these offenses.

In fiscal 2004, DOC intake for persons convicted of child abuse or neglect was: 55 persons convicted of child abuse (with an average sentence of 68 months); 11 persons convicted of child sexual abuse (with an average sentence of 75 months); and 1 person convicted of child neglect (with a sentence of 60 months).

The Division of Parole and Probation, in fiscal 2004, reported an intake of 204 persons whose offenses included child abuse (with 151 of those where child abuse was the most serious offense). In that same year, there was a division intake of 21 persons for the crime of child neglect.

The Administrative Office of the Courts (AOC) advises that in fiscal 2004 there were 5,477 new or reopened CINA petitions filed.

In fiscal 2004, 30,237 child protective service investigations occurred statewide, according to DHR. Of these investigations, 6,342 of the cases were closed with indications of abuse or neglect and 8,435 of the cases were closed as unsubstantiated with regard to abuse or neglect. **Appendix 1** details by county the number of total investigations, cases closed with indications of abuse or neglect, and cases closed as unsubstantiated with regard to abuse or neglect.

State Expenditures: The Department of Legislative Services (DLS) assumes that DHR general fund expenditures would not begin increasing until fiscal 2007 because DHR would need to develop the program in fiscal 2006 and the bill calls for the Governor to include funds for the program beginning in the fiscal 2007 proposed budget. DLS further assumes that DHR could develop the program, after consulting with the individuals identified in the bill, using existing resources.

The bill requires DHR to make family counseling services available to at-risk parents if they request the services. DLS does not expect every at-risk parent to request family counseling services. For the purposes of this analysis, DLS assumes half of the parents offered family counseling services would request to receive the service.

General fund expenditures could increase by an estimated \$636,916 in fiscal 2007, which accounts for the bill's October 1, 2005 effective date and assumes program implementation beginning in fiscal 2007. This estimate reflects the cost of hiring 11 counselors to provide family counseling services to at-risk parents who request those services. It includes salaries, fringe benefits, travel costs, one-time start-up costs, and ongoing operating expenses. The information and assumptions used in calculating the estimate are stated below:

- 3,768 parents requesting family counseling services (half of 6,342 child protective services investigations with indicated findings of child abuse or neglect and half of the 1,193 intakes for violent crimes);
- 30 cases per caseworker per month; and

- the 11 counselors would be placed across the State according to the need for family counseling services, with some LDSSs that receive fewer requests sharing a counselor.

Salaries and Fringe Benefits	\$569,004
Travel	7,199
Operating Expenses	<u>60,713</u>
Total FY 2007 State Expenditures	\$636,916

Additional general fund expenditures could be necessary to provide caseworker training. DLS assumes that the amount of training necessary would be determined when the program is developed in fiscal 2006.

Future year expenditures reflect: (1) full salaries with 4.6% annual increases and 3% employee turnover; and (2) 1% annual increases in ongoing operating expenses. DLS advises that as DHR examines the actual demand for family counseling services once the program is operating, general fund expenditures could increase further depending on the number of at-risk parents requesting family counseling services.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Juvenile Services, Department of Human Resources, Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services, Department of Legislative Services

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Appendix 1
Fiscal 2004 Child Protective Services Investigations and Findings

<u>LDSS</u>	<u>Total</u> <u>Investigations</u>	<u>Investigations with</u> <u>Indicated Findings</u>	<u>Investigations with</u> <u>Unsubstantiated</u> <u>Findings</u>
Allegany	762	196	110
Anne Arundel	2,854	504	507
Baltimore	3,051	676	920
Calvert	422	63	44
Caroline	320	84	75
Carroll	896	169	128
Cecil	643	142	183
Charles	738	138	233
Dorchester	279	46	60
Frederick	1,222	345	256
Garrett	201	25	12
Harford	1,149	186	469
Howard	1,110	150	211
Kent	106	10	18
Montgomery	2,590	395	805
Prince George's	3,353	618	1,275
Queen Anne's	236	21	87
St. Mary's	344	59	64
Somerset	336	65	67
Talbot	251	51	39
Washington	1,683	426	300
Wicomico	1,050	233	161
Worcester	489	100	104
Baltimore City	<u>6,152</u>	<u>1,640</u>	<u>2,307</u>
Total	30,237	6,342	8,435

Source: Department of Human Resources