

Department of Legislative Services
 Maryland General Assembly
 2010 Session

FISCAL AND POLICY NOTE

House Bill 1565 (Delegate Proctor)

Rules and Executive Nominations

Juvenile Law - Child Welfare and Juvenile Justice - Co-Commitment and Study

This bill requires the juvenile court, during a disposition hearing, to review the status of, and make specified determinations regarding, a child who is committed to the custody of a local department of social services and also committed to the custody of the Department of Juvenile Services (DJS). The bill also requires that if a child is found delinquent and committed to the custody of DJS, DJS must make a determination as to whether lack of parental guidance or supervision was a significant factor leading to the child’s delinquent act and establish procedures if such a finding is made.

Fiscal Summary

State Effect: General fund expenditures increase by \$11.5 million in FY 2011 and federal fund expenditures increase by \$3.8 million. Future year estimates reflect annualization and inflation. Revenues are not affected.

(\$ in millions)	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	11.5	15.3	15.6	15.8	16.1
FF Expenditure	3.8	5.1	5.2	5.3	5.4
Net Effect	(\$15.3)	(\$20.4)	(\$20.7)	(\$21.1)	(\$21.4)

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

Local Effect: The circuit courts can handle the bill’s requirements using existing resources.

Small Business Effect: None.

Analysis

Bill Summary: A juvenile court committing a child to the custody of DJS who is committed already to a local department of social services must review the child's status to determine the (1) continuing necessity for and appropriateness of the commitment to the local department; (2) extent of compliance with the permanency plan; and (3) extent of progress that has been made toward alleviating or mitigating the causes that necessitated the out-of-home placement. On a determination that commitment to the local department is still appropriate, an order committing the child to the custody of DJS must co-commit the child to the custody of the local department.

If DJS finds that lack of parental guidance or supervision was a significant factor leading to a child's delinquent act, when the child is released from a residential placement, DJS and the Department of Human Resources (DHR) must conduct a home study to determine the adequacy of parental guidance and supervision for the child. If DJS and DHR find the parental guidance and supervision to be inadequate to prevent further involvement with the juvenile justice system, DJS and DHR must file a joint complaint alleging that the child is in need of assistance (CINA) or in need of supervision (CINS), if appropriate.

The bill requires DHR and DJS to collaborate to identify the number of children who were in the custody of a local department of social services and were referred to the courts or DJS for delinquent acts in the time period from July 1, 2002 through July 1, 2009. DHR and DJS must study the link between the child welfare system and the juvenile justice system as it operates in the State and develop a plan to address the link between the child welfare system and the juvenile justice system, including increasing communication between the two systems, coordinating efforts, and developing joint initiatives. On or before December 31, 2011, DHR and DJS must report jointly on this information to the General Assembly.

Current Law: On a finding that a child is CINA, a court may commit the child to the custody of a local department of social services. CINA is a child who requires court intervention because the child was abused or neglected or has a developmental disability or a mental disorder, and the child's parents, guardian, or custodian are unable or unwilling to give proper care and attention to the child and the child's needs.

CINS is a child who requires guidance, treatment, or rehabilitation and (1) is required by law to attend school and is habitually truant; (2) is habitually disobedient, ungovernable, and beyond the control of the person having custody of the child; (3) departs himself/herself so as to injure or endanger himself/herself or others; or (4) has committed an offense applicable only to children. Once a child has been adjudicated to be in need of

supervision or delinquent, a court must hold a disposition hearing. In making a disposition, the court may:

- place the child on probation or under supervision in the child's own home or in the care of a relative or other fit person upon terms the court deems appropriate;
- commit the child to the custody or under the guardianship of DJS, the Department of Health and Mental Hygiene, or a public or licensed private agency on terms that the court considers are appropriate and consistent with the purposes of the juvenile justice system; or
- order the child, parents, guardian, or custodian to participate in rehabilitative services that are in the best interest of the child and the family.

State Fiscal Effect: State expenditures increase by \$15.3 million in fiscal 2011, of which \$11.5 million are general funds and \$3.8 million are federal funds. This estimate accounts for the bill's October 1, 2010 effective date, and reflects the cost of hiring 39 caseworkers and 6.5 supervisors to conduct home visits and manage the additional CINA caseload and the costs associated with funding additional out-of-home placements. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses. The information and assumptions used in calculating the estimate are stated below:

- approximately 1,884 children are released from a DJS residential placement each year;
- as many of 75% of these released placements (1,413) will necessitate a home study, based on a determination by DJS that lack of parental guidance or supervision was a significant factor leading to the child's delinquent act;
- 15 new caseworkers and 2.5 supervisors will be needed to conduct the home visits, which will take approximately 20 hours per case;
- findings from the home visits will result in increased CINA petitions that lead to out-of-home placements for DHR in approximately 25% of the cases (354);
- monthly placement costs will average \$4,000 per child to reflect placement in a group home or treatment foster care; and
- based on caseload staffing standards, an additional 24 new caseworkers and 4 supervisors will be required to support the additional CINA caseload.

Positions	45.5
Salaries and Fringe Benefits	\$2,274,765
Out-of-home Placement Costs	12,744,000
Operating Expenses	320,470
Total FY 2011 Expenditures	\$15,339,235

Future year expenditures reflect full salaries with 4.4% annual increases and 3% employee turnover; and 1% annual increases in ongoing operating expenses.

While it is possible that DJS may incur additional expenditures to handle the bill's requirements (*e.g.*, costs associated with the required home visitations and the potential filing of additional CINS petitions), *DJS failed to provide a requested fiscal estimate for this note.* Therefore, any potential expenditures for DJS are not included in the above estimate.

Additional Information

Prior Introductions: None.

Cross File: SB 1077 (Senator Gladden) - Judicial Proceedings.

Information Source(s): Department of Human Resources, Judiciary (Administrative Office of the Courts), Department of Legislative Services

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ncs/kdm

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