

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE
Revised

House Bill 840

(Chair, Ways and Means Committee)(By Request -
Departmental - Children, Office for)

Ways and Means

Finance

Children, Youth, and Families - Services to Children with Special Needs

This departmental bill alters a State policy relating to children and families and the membership and duties of the State Coordinating Council for Children. The bill also renames local coordinating councils to be local care teams, and alters the membership and duties of the teams.

The bill takes effect July 1, 2011.

Fiscal Summary

State Effect: None. Altering the duties of the State Coordinating Council for Children will not affect governmental finances.

Local Effect: None. Altering the duties of local coordinating councils will not affect local finances.

Small Business Effect: The Governor’s Office for Children has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Bill Summary/Current Law: It is the State’s policy to promote a stable, safe, and healthy environment for children and families through a comprehensive and coordinated interagency approach that (1) provides a family- and child-oriented continuum of care

that emphasizes prevention, early intervention, and community-based services; and (2) gives priority to children and families most at risk.

The bill alters that policy by adding a provision specifying that access to necessary services and support in the least restrictive, most appropriate, and most effective environment possible must be provided. Pursuant to the bill, the interagency approach must be family-driven, child-guided, home- and community-based, culturally and linguistically competent, individualized, and effective. Furthermore, the approach must engage and empower families and children so that, to the extent possible, they will be well represented in every aspect of the system and partners in their own care planning.

Local Management Boards (LMB)

Each county must establish and maintain a LMB to ensure the implementation of a local interagency service delivery system for children, youth, and families. A county may designate as LMB a quasi-public nonprofit corporation that is not an instrumentality of the county government or a public agency that is an instrumentality of the county government.

Currently, LMBs may be composed of public and private community representatives who share specified responsibilities and senior representatives or department heads of the (1) local health department; (2) local office of the Department of Juvenile Services; (3) core service agency; (4) local school system; and (5) local department of social services. The bill alters the composition of LMBs to include family members or family advocates and youth or youth advocates.

State Coordinating Council for Children

In addition to other responsibilities as specified in statute, under current law, the State council must establish and monitor local coordinating councils (LCCs) in each county. The bill repeals these and other requirements related to oversight of LCCs. It further alters the duties of the State council by requiring it to address the population of children who are in out-of-state placements or are recommended for such placements, including (1) reviewing recommendations for State funding; (2) coordinating the monitoring of out-of-state residential facilities; (3) tracking the types, costs, and effectiveness of services required to meet the needs of children who are recommended for out-of-state placements; (4) providing training and technical assistance to local agency and community partners; (5) making recommendations on appropriate regulations; and (6) performing other related activities.

The bill also alters the composition of the State council by converting the membership of the Secretary of Budget and Management and the Secretary of Disabilities, or the

designees, to nonvoting *ex-officio* council members. The bill also requires the Children's Cabinet to designate up to three individuals to serve on the State council on a rotating basis to represent family members or advocates and youth or youth advocates.

Local Care Team – Duties

Under current law, a LCC must:

- accept placement referrals from the units represented on the local coordinating council;
- review recommendations for residential placement of children referred to the LCC;
- provide an interagency plan of care for residential placement or appropriate, alternative, community-based services for a child;
- submit recommended plans of care to the State council; and
- assist the unit primarily responsible for the child's care in implementing and monitoring the residential placement of the child.

In addition, LCCs must review residential placements recommended according to the federal Individuals with Disabilities Education Act or federal Medicaid requirements to provide technical assistance to the lead agency regarding the availability of community-based resources to serve the child in the least restrictive environment appropriate. LCCs also must review and approve other recommended residential placements and review recommended out-of-state placements and refer the recommendations to the State Coordinating Council for Children. Consistent with federal and State laws, the State council and LCCs must develop and implement plans of care for the residential placement of children in out-of-state placements. Local councils are part of LMBs for administrative and budgetary purposes.

The bill repeals the existing duties of LCCs and requires instead for local care teams to:

- serve as a forum for (1) families and children with intensive needs to receive assistance with the identification of needs and potential resources; and (2) interagency discussions and problem solving for individual child and family needs and systemic needs;
- refer families and children to care management entities and available local and community resources;
- provide training and technical assistance to local agency and community partners;
- identify and share resource development needs and communicate with specified entities; and

- discuss requests for voluntary placement agreements for children with developmental disabilities or mental illnesses who are in out-of-home placements.

The bill also repeals the requirement for LCCs to be part of LMBs for administrative and budgetary purposes.

Local Care Teams – Membership

Currently, the State council establishes the terms of the members of LCCs. This bill gives each local care team the responsibility for establishing the terms of its members and determining how the administrative functions will be handled. The bill also permits, subject to the availability of funds, for parents or parent advocates who are members to receive compensation as provided in the State or local budget and reimbursement for expenses.

Miscellaneous

The bill also repeals certain definitions to conform to the new policy, such as repealing the definitions for “lead agency” and “local coordinating council.” The bill also repeals definitions for “child in need of residential placement” and “residential placement” to reflect the changes in duties for the State council and the local care teams. The bill also defines “family” as an eligible child’s natural, adoptive, or foster parents and specifies that “family” includes a guardian, person acting as a parent of a child and a relative or stepparent with whom a child lives.

Background: The Child and Family Services Interagency Strategic Plan of 2008 stated the need for better communication between the State and local levels, as well as between and across agencies, systems, community members, and families. As a result of this Strategic Plan, a State-local workgroup convened in 2009 with the purpose of recommending an improved interagency structure for the development and implementation of individualized plans of care for youth involved with multiple child-family serving agencies. This bill stems from recommendations proposed by the workgroup.

The Governor’s Office for Children (GOC) further advises that this bill is intended to support the State’s shift to a more family-driven service delivery process and facilitate the provision of community-based services for children by allowing families to self-refer to receive services and not be required to have a lead agency. The current structure is redundant in requiring the development of an individual plan of care by local coordinating councils when the care management entities are also developing and implementing plans of care for the same population of children with intensive needs. GOC reports that families have articulated frustration with having a static group of

individuals serving on a local team that is supposed to generate an individualized plan of care based on the strengths and needs of a particular child and family. This bill is intended to remove barriers to family-driven care.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Kent, Washington, and Worcester counties; Baltimore City; Department of Human Resources; Maryland State Department of Education; Governor's Office; Department of Health and Mental Hygiene; Judiciary (Administrative Office of the Courts); Department of Juvenile Services; Department of Legislative Services

Fiscal Note History: First Reader - March 7, 2011
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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Children, Youth, and Families – Services to Children with Special Needs

BILL NUMBER: HB 840

PREPARED BY: Governor’s Office of the Children

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.