

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE
Revised

House Bill 439
Judiciary

(Delegate M. Washington, *et al.*)

Judicial Proceedings

Family Law - Information and Services for Foster Children and Former Foster Children

This bill requires a juvenile court, in permanency planning and guardianship review hearings, to make findings as to whether a local department of social services has made reasonable efforts to take specified actions for children who are at least age 18. The bill also requires the Department of Human Resources (DHR) to take specified actions relating to providing notice of benefits available to a current or former child in need of assistance (CINA), including the right to reenter care as a voluntary placement. By June 1, 2016, DHR must report to the General Assembly on the plans of each local department of social services for partnering to promote affordable housing and employment opportunities for former foster youth.

Fiscal Summary

State Effect: The bill does not materially impact the workload of the Judiciary. DHR can handle the bill's requirements using existing budgeted resources.

Local Effect: The bill does not materially impact the workload of the circuit courts.

Small Business Effect: None.

Analysis

Bill Summary: At a permanency planning or review hearing for a child who is at least age 18, the court must make a finding whether a local department of social services has made reasonable efforts to (1) enroll the child in health insurance before the child is emancipated, that will continue after the child is emancipated; (2) screen the child for

eligibility for public benefits and assist the child with applications for public benefits before the child is emancipated; (3) work with appropriate individuals to establish a plan for stable housing that is reasonably expected to remain available to the child for at least 12 months after the date of emancipation; and (4) work with appropriate individuals to engage the child in education, training, and employment activities that will prepare the child to have appropriate and sufficient income to live independently after emancipation.

The bill also requires a local department to advise a child, before emancipation and in writing, of the right to reenter care and the procedures for reentering care under a voluntary placement. If a local department has knowledge that a former CINA is homeless, as defined by federal law, the local department must contact the former CINA to advise him or her of the right to reenter care and procedures to do so. The bill specifies that such knowledge may be acquired by obtaining information regarding the former CINA's homelessness in an application for public assistance or through contact between the former CINA and a caseworker.

The Social Services Administration (SSA) within DHR must adopt regulations that ensure that all children in foster care who are at least age 18 have a birth certificate, a Social Security card, health insurance information, medical records, and a driver's license or State-issued identification card at emancipation. At least once per year, SSA must provide a child in an out-of-home placement who is at least age 13 information regarding housing and the right to reenter care as a voluntary placement.

The bill also specifies items that DHR must include in the required report, including (1) descriptions of existing efforts to address the housing and employment needs of former foster youth; (2) new strategies to provide job opportunities for former foster youth, including partnerships with specified entities; (3) projections regarding the number of youth expected to exit foster care at age 21 each year for the next four years; and (4) the proposition of potential partnerships with specified entities to support the placement of foster youth into safe and stable housing.

Current Law: SSA must establish a program of out-of-home care for former CINAs. A former CINA is eligible for out-of-home care if the individual's commitment to a local department was rescinded after the individual reached age 18, but before the individual reached the age of 20 years and 6 months, and the individual did not exit foster care due to reunification, adoption, guardianship, marriage, or military duty. The juvenile court has jurisdiction over petitions concerning the out-of-home care of former CINAs.

A petition for a former CINA must be filed in the county where the former CINA's commitment to the local department was rescinded or the county where the former CINA receives voluntary placement services. In making a disposition on a voluntary placement petition for a former CINA, the court must (1) order the former CINA's voluntary

placement to continue and make any necessary orders to address the needs of the former CINA, if the local department and the former CINA continue to agree to the voluntary placement or (2) order the voluntary placement to be terminated and terminate the local department's placement and care responsibilities for the former CINA.

A local department may not seek legal custody of a former CINA under a voluntary placement agreement. A former CINA may remain in an out-of-home placement under a voluntary placement agreement for more than 180 days if the former CINA continues to comply with the voluntary placement agreement and a juvenile court makes a finding that the continuation of the placement is in the former CINA's best interests.

At least once per year, SSA must provide a child in an out-of-home placement who is at least age 13 information regarding benefits available to the child on leaving out-of-home care. The information must include information regarding tuition assistance, health care benefits, and job training and internship opportunities. Such information may be provided at a permanency planning or review hearing or by certified mail.

Pursuant to federal law, the term "homeless children and youth" means individuals who lack a fixed, regular, and adequate nighttime residence. The term includes children and youth who are sharing housing with others due to loss of housing, economic hardship, or similar reasons, as well as those who are living in camping grounds, public spaces, motels, shelters, and similar places.

Background: DHR employs a variety of strategies to help foster youth successfully make the transition to adulthood. The initiative, "Ready by 21" generally begins services at age 14 and youth are surveyed 30 days prior to their twenty-first birthdays. According to the most recent data readily available (for the August 2013 through August 2014 period), (1) 90% have a stable place to live upon exiting foster care; (2) 91% have State-issued identification; (3) 76% have a high school diploma, training certificate, or degree; and (4) 70% have a job or are enrolled in school or a job training program.

Numerous benefits are available to individuals leaving out-of-home placements. For example, individuals are eligible for a tuition and mandatory fee exemption to attend a public institution of higher education in Maryland if they resided in an out-of-home placement when they graduated from high school or successfully completed a general equivalency development examination. Individuals adopted or placed into guardianship from an out-of-home placement after their thirteenth birthday are also eligible for the exemption. Former foster care adolescents are also eligible for Medicaid up to age 26.

Additional Information

Prior Introductions: None.

Cross File: SB 685 (Senator Benson, *et al.*) - Judicial Proceedings.

Information Source(s): Department of Human Resources, Department of Housing and Community Development, Maryland Insurance Administration, Judiciary (Administrative Office of the Courts), Maryland Department of Transportation, Department of Legislative Services

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