

Department of Legislative Services
 Maryland General Assembly
 2021 Session

FISCAL AND POLICY NOTE
 Enrolled - Revised

House Bill 258
 Appropriations

(Delegate Guyton)

Judicial Proceedings

State Child Welfare System - Reporting

This bill alters the information the Department of Human Services (DHS) must report to the General Assembly and publish on the DHS website regarding children and foster youth in the State child welfare system. The Maryland State Department of Education (MSDE) must report specified information regarding children and foster youth to the General Assembly and DHS by December 1 each year. These reporting requirements may not be construed to affect any other reporting required by DHS or MSDE.

Fiscal Summary

State Effect: General fund expenditures increase by \$96,500 in FY 2022 to hire additional personnel and alter existing data collection systems, as discussed below. Future year expenditures reflect annualization and elimination of one-time costs. Revenues are not affected.

(in dollars)	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	96,500	53,000	54,500	56,500	58,600
Net Effect	(\$96,500)	(\$53,000)	(\$54,500)	(\$56,500)	(\$58,600)

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

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: Under the bill, DHS must report the (1) incidences of abuse or neglect of a child who, in the immediately preceding 24 months, was not removed from their home following an investigation that found indicated or unsubstantiated abuse or neglect; (2) the number of children in the custody of a local department or child placement agency who have a sibling in the custody of a different local department of child placement agency; (3) the health and mental health care provided, as designated; (4) the number of children not enrolled in school for more than one week immediately following a change in placement; and (5) the number of children in an institution of postsecondary education, apprenticeship, or adult education program. The bill removes the requirement that DHS report the number of *foster youth* receiving in-home services.

Regarding children and foster youth in the State child welfare system, MSDE must report the (1) stability of school placements; (2) number of children with individualized education plans; (3) number of children with a plan under § 504 of the Federal Rehabilitation Act for students with disabilities; (4) number of children who have been retained a grade; (5) number of children who graduate from high school; (6) dropout rates; (7) number of children who are truant students; (8) rates of absenteeism; (9) rates of suspension; (10) rates of expulsion; and (11) number of school-based arrests.

MSDE is required to publish each annual report on its website and maintain the confidentiality of children and foster youth, ensuring that no personally identifiable information is disclosed. MSDE must disaggregate the information by county, age, gender, race, and ethnicity.

Current Law: DHS, through its Social Services Administration, has the primary responsibility for child welfare services throughout the State, which are provided primarily by the local departments of social services. These services support the healthy development of families, assist families and children in need, and protect abused and neglected children. Programs include foster care, family preservations, adoption, child protective services, and family reunification.

A foster youth is an individual who is an adult in out-of-home care under the responsibility of the State or is an adult younger than age 25 and was in out-of-home care under the responsibility of the State on the individual's 18th birthday. An out-of-home placement may include family foster care, group and residential care, kinship care, and treatment foster care.

DHS is required to establish a program of out-of-home placement for minor children (1) who are placed in the custody of a local department, for a period of up to 180 days, by a parent or legal guardian under a voluntary placement agreement; (2) who are abused,

abandoned, neglected, or dependent, if a juvenile court has determined that continued residence in the child’s home is contrary to the child’s welfare and has committed the child to the custody or guardianship of a local department; or (3) who, with the approval of DHS, are placed in an out-of-home placement by a local department under a voluntary placement agreement regarding a child with a developmental disability or a mental illness, as specified.

Child Welfare Performance Indicators Report

Chapter 366 of 2015 required DHS, by December 1 of each year, to report specified information regarding children and foster youth in the State child welfare system and publish each report on its website. DHR must maintain the confidentiality of children and foster youth and ensure that no personally identifiable information is disclosed. DHR must disaggregate the information by county, age, gender, race, and ethnicity.

DHS must report (1) the number of child abuse and neglect reports, alternative responses, investigative responses, and findings for completed investigations; (2) the number of children and foster youth receiving in-home services; (3) the number of new out-of-home placements by placement type; (4) the number of exits from the child welfare system by exit type; (5) the number of exits to reunification and reentries within 12 months after exit; (6) the number of exits to reunification and reentries within 24 months after exit; (7) the stability of out-of-home placements, including the number of placement changes; (8) the stability of school placements; (9) the number who graduate from high school; (10) the number who qualify for a high school diploma by examination; and (11) the number who receive tuition waivers. The December 2020 report can be found [here](#).

State Expenditures: General fund expenditures increase by \$96,529 in fiscal 2022 that accounts for the bill’s October 1, 2021 effective date. This estimate reflects the cost of hiring one education program specialist to manage the acquisition of data regarding children in the State child welfare system as required under the bill (data regarding children in foster care is generally already collected), provide technical support to local school systems and MSDE staff to ensure quality of the data collected, and summarize findings for the required reports. It includes a salary, fringe benefits, one-time start-up costs, one-time contractual services to alter data collection systems, and ongoing operating expenses.

Position	0.5
Salary and Fringe Benefits	\$41,193
One-time Contractual Services	50,000
Operating Expenses	<u>5,336</u>
Total FY 2022 State Expenditures	\$96,529

Future year expenditures reflect a full salary with annual increases and employee turnover and ongoing operating expenses.

MDSE advises that contractual services will be required to make changes to their current data collection systems to support the collection, maintenance, and protection of the data required under the bill. Although MSDE collects information regarding children in foster care, the data is not necessarily aggregated as specified. These services will cost approximately \$50,000 in fiscal 2022 only.

Additional Comments: Although the bill requires both DHS and MSDE to report specified information regarding children and foster youth in the State child welfare system, “child welfare system” is not defined. Additionally, MSDE currently reports certain information regarding children in foster care on the [Maryland Report Card](#).

Additional Information

Prior Introductions: HB 986 of 2020 passed in the House but received no further action from the Senate Judicial Proceedings Committee. Its cross file, SB 662, received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken.

Designated Cross File: SB 592 (Senators Zucker and Kelley) - Judicial Proceedings.

Information Source(s): Maryland State Department of Education; Department of Human Services; Department of Legislative Services

Fiscal Note History: First Reader - January 18, 2021
rh/jc Third Reader - February 16, 2021
Enrolled - April 12, 2021
Revised - Amendment(s) - April 12, 2021

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