

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

Revised

Senate Bill 711 (Senator Kelley, et al.)

(Governor's Commission on Adoption)

Judicial Proceedings

Referred to Judiciary

Permanency for Children in Out-of-Home Placements

This enrolled bill transfers jurisdiction of termination of parental rights proceedings (TPR) and related adoption proceedings for certain Child in Need of Assistance (CINA) cases to the juvenile division of the circuit court, except in Montgomery County. The courts are required to hold a hearing to review a child's permanency plan within 10 months after the disposition hearing. The courts must conduct review hearings at least every six months until the child leaves foster care. The courts must make every reasonable effort to find a permanent placement for the child within 24 months from the date of initial placement in foster care.

Fiscal Summary

State Effect: Indeterminate effect on general fund expenditures. No effect on revenues.

Local Effect: Indeterminate expenditure increase. No effect on revenues.

Fiscal Analysis

Background: Under current law, TPR and adoption cases are heard in the civil division of the circuit court except in Montgomery County where the cases are heard in the District Court. In addition, courts are required by the federal government to hold a hearing on a child's permanency plan within 18 months of a disposition hearing. Currently, it takes approximately 12 to 18 months to have such a hearing. Courts are also required to conduct a review every 18 months thereafter until the child leaves foster care. It is estimated that children spend approximately 54 months in foster care before they are adopted.

State Expenditures: The Administrative Office of the Courts (AOC) advises that this bill would double the court's workload for TPR and adoption cases because it requires the court to conduct review hearings every six months instead of every 18 months. Currently, there is one master devoted solely to TPR and adoption cases in Baltimore City, which has approximately 40% of the State's caseload. AOC advises that this bill would require an additional master, bailiff, office secretary, utility clerk, and court clerk. These costs are shared by the State (clerk positions) and local governments (master, bailiff, and office secretary). Assuming Baltimore City hired an additional master, two clerk positions would cost the State approximately \$50,000 annually.

General fund expenditures within the Department of Human Resources (DHR) would increase by an indeterminate amount due to legal representation costs resulting from additional review hearings. DHR has failed to provide supporting documentation on the actual impact, but it is assumed to be significant. DHR's fiscal 1997 budget allowance includes \$6.7 million for legal services for CINA and adult protection proceedings. The number of CINA proceedings in fiscal 1997 is estimated at 14,836. This bill could significantly increase the number of hearings, resulting in a significant increase in State legal representation costs.

In addition, there could be savings due to shorter placements in foster care. Currently, children may be in foster care for a significant length of time while the courts make a determination whether to terminate parental rights and to approve the decision of adoption. While any such savings cannot be reliably estimated at this time, they are assumed to be significant, as foster care costs at least \$550 per month per child. Currently, a child remains in foster care for up to 54 months before they are adopted at an estimated cost of \$29,700 (\$550 per month times 54 months). The extent of any cost savings would depend upon whether additional court hearings reduce the time it takes for a court to terminate parental rights and to grant the decision of adoption.

Local Effect: Local governments are responsible for funding all positions in the circuit courts, except for clerks which are State funded. Accordingly, local expenditures could increase to the extent that local governments hire additional staff to handle additional hearings. It is estimated that a master, bailiff, and office secretary would cost a local government approximately \$150,000 annually. Most counties in the State do not have a CINA caseload that would warrant additional staffing. The Department of Fiscal Services advises that the actual cost to local governments would depend on the number of additional

hearings and whether local governments are willing to hire additional court officials to handle the additional workload.

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

Fiscal Note History: First Reader - February 20, 1996
ncs Revised - Enrolled Bill - April 25, 1996

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