

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

House Bill 1385 (Delegate Flanagan, et al.)
Judiciary

Children in Need of Assistance - Drug-Addicted Babies

This bill expands the definition of child in need of assistance (CINA) to include cases where (1) a child was born addicted to or dependent on cocaine, crack, or heroin or born with a significant presence of cocaine, crack, or heroin in the child's blood; and (2) the child's mother declined admission or failed to fully participate in a drug treatment program. The bill enables the Department of Human Resources, after conducting an appropriate investigation, to file a CINA petition and offer the mother admission into a drug treatment program.

Fiscal Summary

State Effect: Indeterminate general fund expenditure increase. Revenues would not be affected.

Local Effect: None.

Fiscal Analysis

State Expenditures: Of the 73,937 births in Maryland in 1995, approximately 7,500 (10%) mothers are suspected of abusing cocaine, crack, or heroine. Of these births, it is estimated that 3,600 infants are born with a drug dependency. Under current law, the Department of Human Resources (DHR) is required to conduct an investigation within five days of receiving a neglect report. DHR estimates that approximately 10% of infant drug dependency cases currently result in a Child Protective Services (CPS) investigation. **This bill, however, does not amend the definition of child neglect to include infant drug dependency that results from substance abuse by the mother.** The bill also does not specifically require a hospital or health practitioner to report drug abuse to DHR absent cases involving child abuse and neglect. Accordingly, DHR advises that this bill would not result in any additional CPS investigations.

However, if hospitals and health practitioners report each case of infant drug dependency and if DHR is required to conduct an investigation on each reported case, State expenditures could increase as discussed below.

Child Neglect Investigations

CPS investigations could increase by 3,240 annually at a cost of \$2.4 million in fiscal 1997, which reflects the bill's October 1, 1996 effective date. This estimate reflects the cost of hiring 57 Social Workers, 10 Supervisors, and 10 Clerk Typists to conduct additional investigations and to provide continuing services. It includes salaries of \$1.4 million, fringe benefits, one-time start-up costs, and ongoing operating expenses. The information and assumptions used in calculating the estimate are stated below:

- 1 social worker for every 72 investigations;
- 1 social worker for each 30 continuing service cases; and
- 1 supervisor and 1 clerk typist for every 6 social workers.

Salaries and Fringe Benefits	\$1,892,593
Equipment	329,039
Operating Expenses	<u>170,135</u>
Total FY 1997 CPS Expenditures	\$2,391,767

Substance Abuse Treatment

The bill also enables DHR to file a CINA petition and offer the mother admission into a drug treatment program. DHR also may initiate a judicial proceeding to terminate a mother's parental rights if the mother refuses an offer for drug treatment within 45 days after the offer is made. It is assumed that most mothers would accept drug treatment, since failure to do so could result in the loss of parental rights.

The Alcohol and Drug Abuse Administration (ADAA) within the Department of Health and Mental Hygiene currently serves 1,896 mothers for substance abuse. ADAA operates four basic types of programs: outpatient treatment, short-term detoxication, long-term detoxication, and half-way houses. The costs of the programs are illustrated below:

Program	Cost Per Slot*	Cost Per Person
Outpatient Treatment	\$20,566	\$6,855
Detoxication Program	\$41,667	\$3,472
Half-way House	\$22,500	\$14,063

* Each slot serves more than one person

Assuming DHR requires all mothers with drug dependent infants to enroll in a drug treatment program, general fund expenditures could increase by \$12.5 million if the mothers undergo the detoxification program to \$50.6 million if the mothers enter a half-way house. DHMH advises that current funding is not available to handle the potential caseload increase. Currently, the department receives \$4.4 million in funding to operate 15 gender specific programs for women (14 for adults and one for teenagers). The total impact, however, will depend upon the number of cases referred by DHR for drug treatment.

CINA Proceedings

The bill requires a court to hear and rule on the CINA petition within 30 days after it is filed. If a court determines that the child is in need of assistance, a hearing determining the child's guardianship must be held within 30 days after the petition has been filed. In addition, the bill provides that there is a rebuttable presumption that it is in the child's best interest to terminate the mother's parental rights when a mother with a drug dependent infant denies the offer of drug treatment. The Administrative Office of the Courts advises that this would not have a direct impact on the court's staffing needs and any additional workload could be absorbed within existing resources.

Summary

In sum, State general fund expenditures could increase by at least \$14.9 million in fiscal 1997 if hospitals and health practitioners are required to report each case where a mother gives birth to drug dependent infants and if DHR is required to conduct a child neglect investigation and requires all workers with drug dependent infants to enroll in a detoxification program.

To the extent that drug treatment programs and identifying addicted infants reduce drug dependency among mothers and their children, State expenditures on special education, child health, and public assistance programs could decrease in the future.

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

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