

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE
Revised

Senate Bill 243 (Senator Kelley, *et al.*)
Judicial Proceedings

Referred to Judiciary

Family Law - Grounds for Terminating Parental Rights

This amended bill provides that a court may find that a child is abandoned if the child's natural parent has not contacted the child within one year prior to filing for termination of parental rights. It also specifies that the court must consider whether the natural parent has been convicted of a crime of violence against the child or anyone in the child's household when deliberating a termination of parental rights.

Fiscal Summary

State Effect: Significant general and federal fund decrease due to shorter placements in foster care, offset by a significant increase in general fund expenditures for additional court cases, as discussed below. Revenues would not be affected.

Local Effect: Indeterminate expenditure increase. Revenues would not be affected.

Small Business Effect: None. The bill would not directly affect small businesses.

Fiscal Analysis

State Expenditures: The bill could result in earlier termination of parental rights (TPRs), thereby allowing children to spend less time in foster care and be adopted more rapidly. It is not possible to reliably estimate the number of additional TPRs resulting from the bill or the number of months of foster care avoided. The Department of Human Resources would realize general fund savings for each month of avoided foster care since foster care will cost an estimated \$1,227 per month per child in fiscal 1998, of which 67% is general funds and 33% is federal funds. Children spend an average of 54 months in foster care before they are adopted. Adoptions are subsidized for children who are six years of age or older, minorities, or who have special needs. The State will pay an estimated \$567 per month per child for

subsidized adoptions in fiscal 1998, of which 72% is general funds and 28% is federal funds. To the extent that the bill reduces time in foster care, the number of subsidized adoptions could also be reduced.

The bill could result in a significant increase in the circuit court caseload for TPR and adoption cases, particularly as a result of the bill's stipulation that a natural parent's rights can be terminated if the parent has been convicted of a crime of domestic violence. Circuit court expenditures for employees of clerks of the courts could increase by an indeterminate but significant amount.

Local Effect: 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. Local governments are responsible for funding all positions in the circuit courts, except for judges and employees of the clerks of the courts, which are State funded. Accordingly, local expenditures could increase to the extent that local governments need to hire additional staff to handle more court cases. For illustrative purposes, a Master, Bailiff, and Office Secretary would cost an estimated \$150,000 annually.

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

Fiscal Note History: First Reader - February 3, 1997

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Revised - Senate Third Reader - March 28, 1997

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