

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

Senate Bill 97 (Senator Boozer)

Judicial Proceedings

Juvenile Causes - Child in Need of Assistance - Review Hearings

This bill decreases the frequency with which child in need of assistance (CINA) permanency plan review hearings are required to be held. For a child whom the court determines shall be placed for adoption or in continued placement, the bill changes the frequency of court reviews from at least every six months to at least every twelve months.

Fiscal Summary

State Effect: Indeterminate effect on general funds. Potential general and federal fund expenditure increase due to longer placements in foster care. Potential decrease in general fund expenditures due to fewer court hearings. Revenues would not be affected.

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

Small Business Effect: None.

Fiscal Analysis

Background: A child in need of assistance is one who is found to be mentally handicapped or not receiving proper care and attention. Current law requires the court to hold hearings to review the implementation of a permanency plan for a child in need of assistance who has been placed out of the home. A permanency plan review hearing must be held no later than ten months after disposition and at least every six months thereafter.

State Expenditures: Permanency review hearings and termination of parental rights hearings could be scheduled less frequently. This could result in lower judicial expenditures, depending upon the frequency with which review hearings actually occur. However, any decreased judicial costs could be offset by increased foster care costs due to longer placements in foster care while the courts make a determination whether to rescind commitment, terminate parental rights, or continue in foster placement. It is not possible at this time to reliably estimate the decrease in number of court hearings or increase, if any, in length of time in foster care for a child that might result from the bill's provisions.

For illustrative purposes, foster care is projected to cost \$1,478 per month per child in fiscal 1999, of which 67% is general funds and 33% is federal funds. Children currently spend an average of 46 months in foster care before they are adopted. Adoptions are subsidized for children six or older, minorities under six, or those with special needs. The State will pay an estimated \$589 per month per child for subsidized adoptions in fiscal 1999, of which 72% is general funds and 28% is federal funds. To the extent that the bill increases time in foster care (and children reach the age of six), the number of subsidized adoptions could also increase.

Local Effect: Child in need of assistance 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 circuit courts, except for judges and employees of the clerks of the courts, which are State funded.

Judiciary costs for permanency review hearings are driven by the foster care caseload and by the frequency with which the court is required to hold review hearings. The number of foster care cases is projected to increase by 7% in fiscal 1999, which is consistent with recent experience. Local expenditures could decrease to the extent that there are fewer court hearings.

Baltimore County reports that, since the passage of Chapters 595 and 596 of the Acts of 1996 requiring that court review hearings be held every six months, rather than every 18 months, the number of hearings has tripled. The increased frequency of court hearings has strained its juvenile court system resources. The Administrative Office of the Courts indicates that it is difficult to reliably determine the bill's effect on the need for additional court resources.

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

Fiscal Note History:

First Reader - February 2, 1998

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Analysis by: Sue Friedlander

Reviewed by: John Rixey

Direct Inquiries to:

John Rixey, Coordinating Analyst

(410) 841-3710

(301) 858-3710