

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE
Revised

Senate Bill 648 (Senator Van Hollen. *et al.*)

Judicial Proceedings

Child Protection Act

This bill expedites the independent adoption process for children by broadening the scope of findings regarding a natural parent that a court must make in granting a decree of adoption. If a court finds that a parent has: (1) chronically abused or neglected the child; (2) been convicted of child abuse of a child of the parent; (3) been convicted of a crime of violence against the child or other household member; or (4) involuntarily lost parental rights of the child's sibling, the court is required to make a specific finding as to whether the return of the child to the custody of the natural parent poses an unacceptable risk to the future safety of the child. A court must give primary consideration to the safety and health of the child in determining whether it is in the best interest of the child to terminate a natural parent's rights.

Fiscal Summary

State Effect: Potential indeterminate federal fund revenue increase. Expenditures would not be affected.

Local Effect: None.

Small Business Effect: None.

Fiscal Analysis

Background: The federal Adoption and Safe Families Act of 1997, which provides that the health and safety of the child are paramount in determining whether reasonable efforts to preserve families have been undertaken, makes it easier to remove children from abusive families and speeds up the adoption process. It also awards states that increase their adoptions with \$4,000 for each child adopted above the previous year's number and an additional \$2,000 for each adoption of a special needs child.

State Revenues: The bill's provisions expedite termination of parental rights (TPR). As a

result, Maryland could become eligible for federal adoption incentive payments.

Additional Comments: Fiscal 1998 budget bill committee narrative expressed the concern of the budget committees regarding the extent of delay in the adoption process of children in foster care and the degree to which the process of terminating parental rights is responsible. The committees requested that the Administrative Office of the Courts (AOC) develop a plan for prioritizing TPR cases. In response, the AOC submitted a comprehensive report entitled, *Improving Court Performance for Abused and Neglected Children*. The Judiciary has stated that it believes that implementation of these recommendations will result in a higher priority being accorded both CINA and TPR cases.

Significant recommendations of the report include: (1) drafting legislation establishing a new CINA statute to establish uniformity of terminology and procedure among local jurisdictions; (2) restructuring the Judiciary's statistical and information gathering capabilities to overcome a lack of uniformity among jurisdictions and allow the courts to monitor CINA and TPR cases for compliance with State and federal laws and regulations; (3) enhancing judicial training in the handling of TPR and CINA cases; (4) amending existing statutes to provide for legal representation of indigent parents in all critical stages of CINA cases; and (5) adopting uniform standards for legal representation of children.

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

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