

Department of Legislative Services
Maryland General Assembly
1999 Session

FISCAL NOTE
Revised

House Bill 958 (Delegate Doorv. *et al.*)

Judiciary

Child Welfare - Citizen Review Panels and Child Fatality Review Teams

This bill establishes the State Council on Child Abuse and Neglect (the council) and State Child Fatality Review Team and expands the duties and changes the name of the State Citizen Board of Review of Foster Care for Children (SCBRFCC) to the State Citizens Review Board for Children (the board). A local child fatality review team must be established for each county. It authorizes a local government to establish a local citizens review panel to assist the board and the council in review of specific cases. The council, the board, child fatality review teams, and local citizens review panels are required to evaluate child protection functions as performed by State and local agencies and must coordinate with each other to avoid unnecessary duplication of effort. The council, the board, and child fatality review teams are required to meet at least four times a year.

The bill takes effect July 1, 1999.

Fiscal Summary

State Effect: General fund expenditures increase from \$0.2 million to \$1.9 million in FY 2000, exclusive of potential additional expenditures of up to \$1.3 million for local citizens review panels. Existing federal funds of \$547,000 would be available to reimburse these expenditures; the State is liable to lose the funds if the bill is not passed. Additional federal IV-E foster care funds could be available to reimburse expenditures at the rate of about 35%. Future year expenditures would reflect annualization, inflation, and one-time expenditures.

Local Effect: Expenditures could increase depending on the extent of State funds available to defray local expenditures and whether local citizens review panels are funded by local jurisdictions or the State.

Small Business Effect: None.

Fiscal Analysis

Bill Summary: The bill authorizes disclosure of child abuse or neglect records to the council, the board, child fatality review teams, and local citizens review panels. A health care provider is required to disclose a medical record without the authorization of a person in interest to a State or local child fatality review team.

The bill prohibits members of the council, the board, child fatality review teams, or local citizens review panels from disclosing certain information about a specific child protection case. A civil penalty of up to \$500 may be imposed on any person who violates the bill's disclosure requirements.

State Citizens Review Board for Children

The bill authorizes the board to add up to four board members and designate local boards of out-of-home placement for children or local citizens review panels to conduct review of specific cases. The board must prepare an annual report of its activities, make the report available to the public, and develop protocols governing the scope of activities of local citizens review panels to reflect the provisions of federal law.

Local Citizens Review Panels

Two or more counties are authorized to establish a multicounty local citizens review panel.

State Council on Child Abuse and Neglect

The bill authorizes the council to include up to 23 members. The council is part of the Office for Children, Youth, and Families for budgetary and administrative purposes and is authorized to employ staff in accordance with the State budget. The council is required to operate with three standing committees: the Conference Committee, the Legislative Committee, and the Federal Children's Justice Act Committee. The Conference Committee is responsible for holding an annual statewide conference on child abuse and neglect; the Legislative Committee is responsible for making recommendations concerning legislation to improve the State's response to child abuse and neglect; and the Federal Children's Justice Act Committee is responsible for reviewing and evaluating State handling of child abuse and neglect cases and making policy recommendations to improve system response. The council is authorized to request that a local citizens review panel conduct reviews of specific cases and report its findings to the council.

Child Fatality Review Team

The State child fatality review team's purpose is to prevent child deaths by developing an understanding of the causes, planning, and implementing changes within the agencies represented on the team, and advising the Governor, General Assembly, and the public on changes to law, policy, and practice. The bill authorizes the State child fatality review team to include up to 25 members. The State team is part of the Department of Health and Mental Hygiene (DHMH) for budgetary and administrative purposes and is authorized to employ staff in accordance with the State budget. Each State governmental member of the team must provide sufficient staff support to complete the State team's responsibilities. The State team must prepare an annual report of its findings and recommendations and make the report available to the Governor, the General Assembly, and the public. The State team is required to carry out its duties by developing a protocol for child fatality and near fatality investigations, developing a protocol for data collection, reviewing reports from local teams, and examining confidentiality laws.

The bill requires a local child fatality review team to meet at least four times a year, to review the status of child fatality cases, and recommend actions within the member agencies to prevent child deaths.

It specifies the circumstances under which meetings of the State team and a local team are to be open or closed to the public and information acquired by the teams is exempt from disclosure requirements. Violation of these provisions of the bill is a misdemeanor and punishable by a fine of up to \$500 or imprisonment of up to 90 days or both.

Background: 1996 amendments to the federal Child Abuse Prevention and Treatment Act (CAPTA) require states to establish at least three citizen review panels in order to receive funding under the Child Abuse and Neglect State Grants Program. Federal law requires these panels to evaluate whether State and local agencies are effectively discharging their child protection responsibilities by examining the policies and procedures of State and local agencies and, where appropriate, specific cases. To satisfy these federal requirements, states can designate existing panels that perform the required functions or establish new panels. The following information describes existing citizen review panels in Maryland.

The 11-member State Citizen Board of Review of Foster Care for Children is an independent entity within the Department of Human Resources (DHR). The board's fiscal 2000 budget allowance is \$1 million, of which 35% is federal funds and 65% is general funds. It has 17 permanent positions and five contractual positions budgeted in fiscal 2000 to staff the State and local boards. The board's mission is to review the cases of children in out-of-home placement, monitor child welfare programs, and make recommendations for system improvement to ensure the safety of children. It is expected to review an estimated 11,000 cases of children in out-of-home placement in fiscal 2000.

The Governor's Council on Child Abuse and Neglect, in the Office for Children, Youth, and Families (OCYF), advises the Governor on the implementation and effectiveness of child abuse and neglect programs. The council was established through Executive Order. It sponsors an annual conference on child abuse and neglect and provides training and technical assistance for public awareness and parent education programs to prevent child maltreatment. There is no line item in the budget for the council; OCYF provides staff support within its existing resources.

State Expenditures: It is difficult to estimate an exact amount for the bill's fiscal impact because it provides a certain amount of latitude to the various entities in determining the scope of their duties. For example, the bill requires the board to evaluate the extent to which State and local agencies effectively discharge their child protection responsibilities in accordance with certain specified criteria and any other criteria the board considers important to ensure protection of children. The Department of Legislative Services (DLS) advises that expenditures could be in the lower end of the range shown below to the extent that the three entities created by the bill make use of existing State and local resources, are successful in coordinating with each other to avoid unnecessary duplication of effort, and establish local teams for each county rather than in each county.

Accordingly, as shown in **Exhibit 1**, general fund expenditures could increase by \$0.2 million to \$1.9 million in fiscal 2000, which accounts for a 90-day start-up delay. **Exhibit 1** depicts the estimates provided by three different agencies (DHR, DHMH, SCBRFCC). This range incorporates the lowest and highest estimates for each of the three citizen review entities. The \$200,000 estimate assumes a total of six positions; two for each citizen review entity (one administrator, one secretary). The \$1.9 million estimate assumes a total of 57 positions; three for the council, ten for the board (four at the State board and six at local boards), and 44 for child fatality review teams (four at the State team and 40 at local teams). The estimates include salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Exhibit 1
FY 2000 Expenditure Increase

(in dollars)	The Council		The Board		Child Fatality Review Teams				Total	
					State		Local			
	\$	Pos.	\$	Pos.	\$	Pos.	\$	Pos.	\$	Pos.
<i>Source of Estimates</i>										
SCBRFCC/ Med Chi	\$45,700	2	45,700	2	75,000	1.5	30,000	0	196,400	5.5
DHMH					147,100	4	1,319,000	40	1,466,100	44
DHR	104,300	3	347,700	10	104,300	3			566,300	16

In addition to the costs shown in **Exhibit 1**, the bill’s provisions regarding citizen review panels could result in new expenditures. The bill authorizes the board to designate either a local board of out-of-home placement of children or a local citizens review panel to assist in its review of specific cases. The council is authorized to request a local citizens review panel to conduct a review and report its findings to the council. Local boards of out-of-home placement of children are existing entities; local citizens review panels do not currently exist but would be established by local governments. Therefore, expenditures could increase for the establishment of local citizens review panels to the extent that the board decides to designate a panel instead of a local board of out-of-home placement of children.

Although the bill specifies that local citizens review panels are to be established by local governments, the costs would presumably be borne by the State because the citizens review panels would be assisting the board and the council which are State entities. If the board were to designate a local citizens review panel in each jurisdiction, the cost could be as little as \$45,700 and two staff positions or as much as \$1.5 million and 40 positions, depending on the interpretation of the bill’s requirements, the use of existing resources, and whether panels are established as multicounty panels. If a local citizens review panel was designated in each jurisdiction, expenditures for local boards of out-of-home placement of children would not increase by \$0.2 million, as is assumed in DHR’s estimate for the board in **Exhibit 1**. Thus, State expenditures for a local citizens review panel in each jurisdiction could be as high as \$1.3 million.

The SCBRFCC/Med Chi estimate reflects two positions each (one human services specialist and one secretary) for the council and the board. It also includes 1.5 positions (one training/data collection position and 0.5 State coordinator) for the State child fatality review team. State funds for the local child fatality review teams would take the form of grants to local jurisdictions or other organizations.

DHMH's estimate reflects: (1) four positions, including one program administrator, one epidemiologist, one community health educator, and one office secretary for the State child fatality review team; (2) one community health educator, one program administrator, and 0.5 secretary for a local child fatality review team in the four largest jurisdictions; (3) one community health educator position and 0.5 secretary for a local child fatality review team in the other 20 jurisdictions; and (4) State funds used to support local child fatality review team staffing. DHMH advises that its estimate assumes a comprehensive approach to local child fatality review teams that envisions not only investigation of child deaths but system-wide interventions designed to prevent child fatalities based on what is learned through the investigations.

DHR's estimate reflects: (1) the council with three positions (two social workers and one office secretary); (2) the board with ten positions (six social workers and four office secretaries); and (3) the State child fatality review team with three positions (two social workers and one office secretary). The ten positions for the board assumes four positions for the State board and six positions to staff local boards.

The criminal penalty provision of this bill is not expected to significantly affect State expenditures.

An estimated \$547,000 in federal funds would be available to reimburse expenditures of the three entities (\$393,000 CAPTA funds, \$154,000 Children's Justice Act funds). These funds are a fixed amount and are currently used to support prevention and treatment programs in private agencies and local departments of social services but could be used instead to support the bill's requirements. Because states must establish citizen review panels to receive federal funding under its grant program, the \$547,000 is at risk of being lost to the State if the bill is not passed.

In addition, federal IV-E foster care funds may be available to reimburse these functions. These funds would be "new" to the State, i.e., not currently used for other purposes. It is assumed that the federal reimbursement rate would approximate that of the State Citizen Board of Review of Foster Care for Children (35%).

Future year expenditures would reflect (1) full salaries with 3.5% annual increases and 3%

employee turnover for permanent employees; (2) full salaries with 2% annual increases for contractual positions; and (3) 1% annual increases in ongoing operating expenses.

State Revenues: The civil and criminal penalty provisions of this bill are not expected to significantly affect State revenues.

Local Revenues: The civil and criminal penalty provisions of this bill are not expected to significantly affect local revenues.

Local Expenditures: Expenditures could increase by a significant amount to the extent that the board designates a local citizens review panel in a jurisdiction and that local citizens review panels are not funded by the State. Montgomery County advises that its expenditures may increase by an estimated \$50,000 to \$80,000 to hire one or two contractual employees to staff review teams. This estimate does not assume State funding provided for local staffing. Prince George's County advises that the bill would have no direct fiscal or operational impact on local government. The criminal penalty provision of this bill is not expected to significantly affect local expenditures.

Information Source(s): Department of Human Resources; Department of Health and Mental Hygiene (Community and Public Health Administration); State Citizen Board of Review of Foster Care for Children; Office for Children, Youth, and Families; Medical and Chirurgical Faculty of Maryland; Montgomery and Prince George's counties; Department of Legislative Services

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