

Department of Legislative Services  
Maryland General Assembly  
1999 Session

FISCAL NOTE

House Bill 1119 (Delegate Montague)

Judiciary

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Maryland Uniform Adoption Act

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This bill establishes a comprehensive code for agency and direct private placement adoption of a minor and repeals current adoption law. Adoption procedures specified by the bill include preplacement evaluation, consent to adoption, petition for adoption, petition to terminate the relationship between a parent and child, decree of adoption, adoption of a minor stepchild by a stepparent, and adoption of adults and emancipated minors.

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Fiscal Summary

**State Effect:** Potential significant effect on expenditures and revenues.

**Local Effect:** Potential significant effect on expenditures and revenues.

**Small Business Effect:** Potential meaningful.

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Fiscal Analysis

**State Effect:** Any revision of State adoption law will affect Department of Human Resources administrative activities and foster care expenditures and circuit court hearings and procedures. The bill affects many adoption practices that are either in the Family Law Article, or the Maryland Rules (promulgated by the Court of Appeals), or are currently uncodified. It is difficult to reliably estimate the bill's total effect on State expenditures without a comprehensive study of existing adoption law and practices as carried out by the Department of Human Resources, the local departments of social services, and the circuit courts as compared to the practices prescribed in the bill.

The bill decreases the amount of time from one year to six months that a child must be out of parental custody before adoption proceedings can begin. To the extent that the bill expedites adoption proceedings and allows children to spend less time in foster care, State foster care expenditures would decrease. However, the number of termination of parental rights (TPR) hearings could increase significantly, creating additional workload and expenditures for the local departments of social services, Office of the Public Defender (OPD), and circuit courts.

It is not possible to reliably estimate the number of additional TPR hearings resulting from the bill or the number of months of foster care avoided. However, OPD advises that fiscal 2000 general fund expenditures could increase by an estimated \$560,000 for 13.5 positions, assuming a 100% increase in TPR hearings.

For illustrative purposes, foster care will cost an estimated \$1,277 per month per child in fiscal 2000, of which 71% is general funds and 29% is federal funds. Children spend an average of 46 months in foster care before they are adopted. Further, adoptions are subsidized for children six or older, minorities under six, or those with special needs. The State will pay an estimated \$565 per month per child for subsidized adoptions in fiscal 2000, of which 71% is general funds and 29% is federal funds. To the extent that the bill reduces time in foster care, the number of subsidized adoptions could also be reduced because a child's prospects for adoption diminish with age and fewer children would languish in foster care until they reach the age of six.

**Local Effect:** It is difficult to reliably estimate the bill's effect on local expenditures without a comprehensive study of existing adoption law and practices as carried out by the circuit courts compared to the practices prescribed in the bill.

To the extent that the bill expedites adoption proceedings, local expenditures for circuit courts could increase by a substantial amount. 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.

**Small Business Effect:** It is difficult to reliably estimate the bill's effect on small businesses without a comprehensive study of existing adoption law and practices as carried out by adoption agencies and independent adoption practitioners compared to the practices prescribed in the bill.

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**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:**

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