

HOUSE BILL 7

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2000 Regular Session  
(01r0817)

**ENROLLED BILL**

-- Environmental Matters/Economic and Environmental Affairs and Budget and Taxation --

Introduced by **Delegates Taylor, Shriver, Hurson, Busch, Dewberry, Guns, Harrison, Hixson, Howard, Kopp, Menes, Montague, Owings, Rawlings, Rosenberg, Vallario, and Wood Wood, W. Baker, Bobo, Bozman, Bronrott, Brown, Cadden, Cane, Carlson, Clagett, Cole, Conroy, Conway, D'Amato, DeCarlo, Donoghue, Doory, Dypski, Finifter, Franchot, Frush, Giannetti, Goldwater, Griffith, Hammen, Healey, Hecht, Heller, Hubers, James, V. Jones, Klausmeier, Krysiak, Love, Mandel, Marriott, McHale, Mitchell, Moe, Morhaim, Nathan-Pulliam, Patterson, Pendergrass, Petzold, Pitkin, Rosso, Sophocleus, Stern, Turner, Weir, Zirkin, and Hubbard**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Child Welfare - Integration of Child Welfare and Substance Abuse Treatment**  
3 **Services**

4 FOR the purpose of requiring the Secretary of Human Resources and the Secretary of  
5 Health and Mental Hygiene, after consultation with certain persons, to develop  
6 a statewide protocol for integrating child welfare and substance abuse  
7 treatment services; specifying the elements to be included in the protocol;  
8 requiring a court to order substance abuse assessment and testing under certain

1 circumstances; requiring the Secretary of Human Resources and the Secretary  
2 of Health and Mental Hygiene to issue certain reports; expressing the intent of  
3 the General Assembly about spending levels; requiring the Governor, under  
4 certain circumstances, to include certain amounts in the annual State budget in  
5 certain fiscal years for certain purposes and requiring a certain maintenance of  
6 effort; requiring the Department of Health and Mental Hygiene to explore the  
7 use of excess hospital beds and to locate new substance abuse treatment  
8 programs; requiring the Secretary of Human Resources and the Secretary of  
9 Health and Mental Hygiene to consider recommendations developed by a certain  
10 task force in developing the statewide protocol and to enter into a memorandum  
11 of understanding for a certain purpose; requiring the Department of Human  
12 Resources and the Department of Health and Mental Hygiene to adopt certain  
13 regulations; defining certain terms; providing for the application of this Act; and  
14 generally relating to the establishment of integrated child welfare and  
15 substance abuse treatment services.

16 BY adding to

17 Article - Family Law

18 Section 5-1201 through 5-1209, inclusive, to be under the new subtitle "Subtitle

19 12. Integration of Child Welfare and Substance Abuse Treatment Services"

20 Annotated Code of Maryland

21 (1999 Replacement Volume and 1999 Supplement)

22

#### Preamble

23 WHEREAS, Substance abuse is a key factor fueling intensification of child  
24 abuse and neglect in the 1990s; and

25 WHEREAS, 62 percent of children in Maryland (over 2,700 children) entering  
26 out-of-home placement in 1999 had a parent with an identified substance abuse  
27 problem; and

28 WHEREAS, The child welfare system in the United States spends an estimated  
29 \$20 billion per year to care for abused and neglected children of drug- and  
30 alcohol-abusing parents; and

31 WHEREAS, The projected cost of a child entering the foster care system in  
32 Maryland is \$60,000 per episode; and

33 WHEREAS, Nearly one-third of substance abusers achieve sustained  
34 abstinence in their first attempt at recovery and an additional one-third eventually  
35 achieve long-term abstinence; and

36 WHEREAS, 44 percent of females in drug treatment report being in treatment  
37 in order to retain or regain custody of their children; and

38 WHEREAS, 48 percent of the clients in residential treatment with their  
39 children said they would not have been interested in treatment if they had not been  
40 able to bring their children with them; and

1 WHEREAS, Women who complete residential treatment have significantly  
2 higher abstinence, employment, and arrest-free rates than do noncompleters; and

3 WHEREAS, Victims of child abuse and neglect and children of  
4 substance-abusing parents have increased risk of substance abuse problems; and

5 WHEREAS, Linking child welfare and substance abuse programs would make  
6 both more effective; and

7 WHEREAS, The strict time limits placed for family reunification in the federal  
8 Adoption and Safe Families Act make timely provision of quality substance abuse  
9 treatment programs essential; now, therefore,

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
11 MARYLAND, That the Laws of Maryland read as follows:

12 **Article - Family Law**

13 **SUBTITLE 12. INTEGRATION OF CHILD WELFARE AND SUBSTANCE ABUSE**  
14 **TREATMENT SERVICES.**

15 5-1201.

16 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
17 INDICATED.

18 (B) "AT-RISK PARENT" MEANS A PARENT OF A CHILD ENTERING  
19 OUT-OF-HOME PLACEMENT OR IDENTIFIED AS AT RISK OF ENTERING  
20 OUT-OF-HOME PLACEMENT.

21 (C) "CHILD WELFARE PERSONNEL" MEANS PARAPROFESSIONALS,  
22 CASEWORKERS, CASEWORK SUPERVISORS, AND ADMINISTRATORS WHO WORK IN  
23 CHILD WELFARE PROGRAMS ADMINISTERED BY THE DEPARTMENT.

24 (D) "COURT" HAS THE MEANING STATED IN § 5-701 OF THIS TITLE.

25 (E) "CROSS-TRAINING" MEANS TRAINING OF BOTH CHILD WELFARE AND  
26 SUBSTANCE ABUSE TREATMENT PERSONNEL, PROVIDED BY QUALIFIED TRAINERS  
27 WITH AN APPROVED CURRICULUM IN ESSENTIAL AREAS, INCLUDING BOTH  
28 SUBSTANCE ABUSE AND CHILD WELFARE PRACTICES, PROCEDURES, AND LAWS.

29 (F) "LOCAL DEPARTMENT" MEANS A LOCAL DEPARTMENT OF SOCIAL  
30 SERVICES FOR A COUNTY.

31 (G) "OUT-OF-HOME PLACEMENT" MEANS PLACEMENT OF A CHILD INTO  
32 FOSTER CARE, KINSHIP CARE, GROUP CARE, OR RESIDENTIAL TREATMENT CARE.

33 (H) "QUALIFIED ADDICTIONS SPECIALIST" MEANS AN INDIVIDUAL WHO  
34 MEETS THE QUALIFICATIONS FOR SUBSTANCE ABUSE COUNSELING AND

1 SCREENING ESTABLISHED BY THE DEPARTMENT OF HEALTH AND MENTAL  
2 HYGIENE.

3 (I) "SUBSTANCE ABUSE TESTING" MEANS TESTING THAT IS PERFORMED BY  
4 URINALYSIS, BREATHALYZER, DIP STICK, BLOOD TESTING, OR HAIR ANALYSIS TO  
5 DETERMINE IF AN INDIVIDUAL HAS USED EITHER DRUGS OR ALCOHOL.

6 (J) "SUBSTANCE ABUSE TREATMENT" MEANS A PROGRAM THAT PROVIDES  
7 THE INTENSITY AND TYPE OF TREATMENT NEEDED FOR PARENTS AND THEIR  
8 CHILDREN TO ~~ACHIEVE~~ MAXIMIZE THE LIKELIHOOD OF LONG-TERM ABSTINENCE,  
9 INCLUDING DETOXIFICATION, INTENSIVE OUTPATIENT TREATMENT, INTERMEDIATE  
10 CARE AND OTHER RESIDENTIAL TREATMENT (INCLUDING PROGRAMS IN WHICH  
11 PARENTS AND THEIR CHILDREN CAN LIVE AND RECEIVE TREATMENT TOGETHER),  
12 AND AFTERCARE PROGRAMS SUCH AS TRANSITIONAL HOUSING.

13 (K) "SUBSTANCE ABUSE TREATMENT PERSONNEL" MEANS PERSONNEL WHO  
14 WORK IN A SUBSTANCE ABUSE TREATMENT PROGRAM.

15 5-1202.

16 (A) ON OR BEFORE DECEMBER 1, 2000, THE SECRETARY OF HUMAN  
17 RESOURCES AND THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL, AFTER  
18 CONSULTATION WITH A BROAD RANGE OF CHILD WELFARE PROFESSIONALS,  
19 SUBSTANCE ABUSE EXPERTS, JUDGES, ATTORNEYS, MANAGED CARE  
20 ORGANIZATIONS, HEALTH CARE PROVIDERS, LOCAL DEPARTMENTS, LOCAL HEALTH  
21 DEPARTMENTS, AND CHILD ADVOCATES, DEVELOP A STATEWIDE PROTOCOL FOR  
22 INTEGRATING CHILD WELFARE AND SUBSTANCE TREATMENT SERVICES THAT  
23 INCLUDES AT A MINIMUM THE FOLLOWING:

24 (1) REQUIRING CROSS-TRAINING FOR ALL CHILD WELFARE AND  
25 SUBSTANCE ABUSE TREATMENT PERSONNEL;

26 (2) DEVELOPING AN APPROVED CURRICULUM FOR THE  
27 CROSS-TRAINING AND CRITERIA FOR QUALIFIED TRAINERS USING BEST PRACTICES  
28 FROM OTHER STATES;

29 (3) A PLAN FOR PROVIDING FINANCIAL INCENTIVES, INCLUDING A  
30 BONUS FOR COMPLETION OF THE CROSS-TRAINING AND AN INCREASE IN PAY, FOR  
31 BOTH CHILD WELFARE AND ADDICTIONS PERSONNEL TO BECOME QUALIFIED  
32 ADDICTIONS SPECIALISTS WHO ACHIEVE SPECIFIED LEVELS OF EXPERTISE;

33 (4) PLACING QUALIFIED ADDICTIONS SPECIALISTS IN ALL CHILD  
34 WELFARE OFFICES, BASED ON A CASELOAD FORMULA DEVELOPED BY THE  
35 DEPARTMENT;

36 (5) IN ALL CASES ACCEPTED FOR CHILD ABUSE AND NEGLECT  
37 INVESTIGATION OR OUT-OF-HOME PLACEMENT, ASSURING THAT PARENTS ARE  
38 SCREENED FOR SUBSTANCE ABUSE AND, WHERE THERE IS ANY REASONABLE  
39 SUSPICION OF SUBSTANCE ABUSE, ASSURING THAT QUALIFIED ADDICTION  
40 SPECIALISTS HAVE THE OPPORTUNITY TO CONSULT;

1           (6)     ~~REQUIRING THAT SPECIFYING THE CIRCUMSTANCE WHEN UNDER~~  
 2 ~~WHICH~~ A LOCAL DEPARTMENT SHALL INCLUDE IN ITS PETITION FOR A CHILD IN  
 3 NEED OF ASSISTANCE UNDER TITLE 3, SUBTITLE 8 OF THE COURTS ARTICLE A  
 4 REQUEST THAT THE COURT ORDER COMPREHENSIVE DRUG AND ALCOHOL  
 5 ASSESSMENT AND TESTING IN ANY CASE IN WHICH THERE IS A REASONABLE  
 6 SUSPICION OF SUBSTANCE ABUSE;

7           (7)     ESTABLISHING A PROCEDURE FOR NOTIFYING THE LOCAL  
 8 DEPARTMENT OF THE RESULTS OF SUBSTANCE ABUSE ASSESSMENT AND TESTING;

9           (8)     ESTABLISHING A PROCEDURE FOR NOTIFYING AN AT-RISK PARENT  
 10 OF THE AVAILABILITY OF SUBSTANCE ABUSE TREATMENT; AND

11           (9)     DEVELOPING PROCEDURES FOR ROUTINE CONSULTATION AND  
 12 REEVALUATION OF PROGRESS IN SUBSTANCE ABUSE TREATMENT AT EVERY STEP AS  
 13 A CHILD WELFARE CASE PROCEEDS.

14     (B)     NO LATER THAN DECEMBER 1, 2000, THE SECRETARY OF HUMAN  
 15 RESOURCES AND THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL  
 16 SUBMIT A REPORT TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE  
 17 GOVERNMENT ARTICLE, THE SENATE BUDGET AND TAXATION COMMITTEE, THE  
 18 SENATE ECONOMIC AND ENVIRONMENTAL AFFAIRS COMMITTEE, THE HOUSE  
 19 APPROPRIATIONS COMMITTEE, AND THE HOUSE ENVIRONMENTAL MATTERS  
 20 COMMITTEE THAT:

21           (1)     SETS FORTH THE STATEWIDE PROTOCOL DEVELOPED UNDER THIS  
 22 SECTION; AND

23           (2)     IDENTIFIES THE AMOUNT AND SOURCES OF FUNDS THAT ARE  
 24 BEING USED TO IMPLEMENT THE STATEWIDE PROTOCOL DEVELOPED UNDER THIS  
 25 SECTION AND THE OTHER REQUIREMENTS OF THIS SUBTITLE.

26     (C)     THE STATEWIDE PROTOCOL DEVELOPED UNDER THIS SECTION SHALL BE  
 27 IMPLEMENTED IN EACH COUNTY OF THE STATE.

28 5-1203.

29     AT AN ADJUDICATORY HEARING ON A PETITION FOR A CHILD IN NEED OF  
 30 ASSISTANCE UNDER TITLE 3, SUBTITLE 8 OF THE COURTS ARTICLE, IF A LOCAL  
 31 DEPARTMENT REQUESTS SUBSTANCE ABUSE ASSESSMENT AND TESTING FOR A  
 32 PARENT, THE COURT SHALL ORDER THE ASSESSMENT AND TESTING UNLESS THE  
 33 COURT FINDS COMPELLING REASONS NOT TO ORDER ~~SUCH~~ THE ASSESSMENT AND  
 34 TESTING AND PROVIDES SUCH THE REASONS IN WRITING.

35 5-1204.

36     SUBJECT TO THE AVAILABILITY OF FUNDS, THE GOVERNOR SHALL INCLUDE IN  
 37 THE STATE BUDGET FOR FISCAL YEAR 2002 AND ALL SUCCEEDING FISCAL YEARS  
 38 SUFFICIENT FUNDS TO ENSURE THAT:

1 (1) EACH AT-RISK PARENT RECEIVES SUBSTANCE ABUSE TREATMENT  
2 WHEN THE AT-RISK PARENT INDICATES A DESIRE TO ENTER SUBSTANCE ABUSE  
3 TREATMENT OR AS SOON THEREAFTER AS POSSIBLE; AND

4 (2) EACH CHILD OF AN AT-RISK PARENT RECEIVES NECESSARY  
5 TREATMENT TO REMEDIATE THE HARM CAUSED BY THE PARENT'S SUBSTANCE  
6 ABUSE.

7 5-1205.

8 THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL EXPLORE THE  
9 USE OF EXCESS HOSPITAL BEDS TO LOCATE NEW SUBSTANCE ABUSE TREATMENT  
10 PROGRAMS.

11 5-1206.

12 (A) ON OR BEFORE ~~DECEMBER 15, 2000~~ JANUARY 1, 2001 ~~DECEMBER 15, 2000,~~  
13 ~~AND EVERY 6 MONTHS YEAR ANNUALLY~~ THEREAFTER UNTIL ~~DECEMBER 15~~  
14 ~~JANUARY 1~~ DECEMBER 15, 2004, THE SECRETARY OF HUMAN RESOURCES AND THE  
15 SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL REPORT TO THE GOVERNOR  
16 AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE SENATE  
17 BUDGET AND TAXATION COMMITTEE, THE ECONOMIC AND ENVIRONMENTAL  
18 AFFAIRS COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, AND THE  
19 ENVIRONMENTAL MATTERS COMMITTEE OF THE GENERAL ASSEMBLY, ON THEIR  
20 PROGRESS IN ~~COMPLYING WITH THE PROVISIONS DEVELOPING AND IMPLEMENTING~~  
21 ~~THE STATEWIDE PROTOCOL DESCRIBED UNDER § 5-1202~~ COMPLYING WITH THE  
22 PROVISIONS OF THIS SUBTITLE.

23 (B) THE REPORT SHALL COMPARE THE AVAILABILITY OF SUBSTANCE ABUSE  
24 TREATMENT SLOTS FOR AT-RISK PARENTS AND THEIR CHILDREN RELATIVE TO  
25 ACTUAL DEMAND AND ESTIMATED NEED.

26 5-1207.

27 ~~(A) IN DEVELOPING THE STATEWIDE PROTOCOL UNDER § 5-1202 OF THIS~~  
28 ~~SUBTITLE, THE SECRETARY OF HUMAN RESOURCES AND THE SECRETARY OF~~  
29 ~~HEALTH AND MENTAL HYGIENE SHALL COORDINATE WITH THE~~  
30 ~~RECOMMENDATIONS DEVELOPED BY THE MARYLAND DRUG TREATMENT TASK~~  
31 ~~FORCE.~~

32 (A) THE SECRETARY OF HUMAN RESOURCES AND THE SECRETARY OF  
33 HEALTH AND MENTAL HYGIENE SHALL, IN DEVELOPING THE PROTOCOL REQUIRED  
34 UNDER § 5-1202 OF THIS SUBTITLE, CONSIDER THE RECOMMENDATIONS  
35 DEVELOPED BY THE STATEWIDE TASK FORCE TO STUDY INCREASING THE  
36 AVAILABILITY OF SUBSTANCE ABUSE PROGRAMS ESTABLISHED UNDER ARTICLE 41,  
37 § 18-316 OF THE CODE.

38 (B) (1) ON OR BEFORE JUNE 30, 2001, THE SECRETARY OF HUMAN  
39 RESOURCES AND THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL ENTER

1 INTO A MEMORANDUM OF UNDERSTANDING SETTING FORTH THE RESPONSIBILITIES  
2 OF EACH DEPARTMENT TO IMPLEMENT THE PROVISIONS OF THIS SUBTITLE.

3 (2) SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE  
4 SECRETARY OF HUMAN RESOURCES AND THE SECRETARY OF HEALTH AND MENTAL  
5 HYGIENE SHALL SUBMIT A COPY OF THE MEMORANDUM OF UNDERSTANDING  
6 ENTERED INTO UNDER PARAGRAPH (1) OF THIS SUBSECTION TO THE SENATE  
7 BUDGET AND TAXATION COMMITTEE, THE SENATE ECONOMIC AND  
8 ENVIRONMENTAL AFFAIRS COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE,  
9 AND THE HOUSE ENVIRONMENTAL MATTERS COMMITTEE.

10 5-1208.

11 THE DEPARTMENT OF HUMAN RESOURCES AND THE DEPARTMENT OF HEALTH  
12 AND MENTAL HYGIENE SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.

13 5-1209.

14 THIS SUBTITLE MAY BE REFERRED TO AS "THE INTEGRATION OF CHILD  
15 WELFARE AND SUBSTANCE ABUSE TREATMENT ACT".

16 SECTION 2. AND BE IT FURTHER ENACTED, That it:

17 (a) It is the intent of the General Assembly that the Governor allocate no more  
18 than \$16 million per year to the integration of child welfare and substance abuse  
19 treatment act. ~~That the;~~ and

20 (b) The Governor shall include in the budget for fiscal year 2002 and every  
21 year thereafter:

22 (1) ~~At least~~ Up to \$10 million for substance abuse assessment and testing and  
23 creation of additional substance abuse treatment slots for at-risk parents and their  
24 children, and the provision of coordinated prevention and treatment services to  
25 at-risk parents and their children;

26 (2) ~~At least~~ Up to \$5 million for coordinated services for at-risk parents'  
27 children for prevention and treatment of substance abuse; and

28 (3) ~~At least~~ Up to \$1 million for incentives for child welfare and addictions  
29 personnel to become Qualified Addictions Specialists achieve specified levels of  
30 expertise as determined by the protocol developed under § 5-1202 of the Family Law  
31 Article as enacted by Section 1 of this Act.

32 SECTION 3. AND BE IT FURTHER ENACTED, That the funds appropriated  
33 for the purposes of Section 2 of this Act shall be in addition to any funds appropriated  
34 for similar purposes for fiscal year 2001. The funds expended in fiscal year 2002 for  
35 the purposes of Section 2 of this Act in excess of the funds appropriated in fiscal year  
36 2001 shall be counted towards fulfilling the requirements of Section 1 of this Act,  
37 provided that the funds are included in the Governor's budget request for fiscal year  
38 2002 and every year thereafter. The federal IV-E funds spent for the purposes of

1 Section 1 of this Act as a result of a waiver agreement with the United States  
2 Department of Health and Human Services may not be counted towards fulfilling the  
3 requirements of Section 2 of this Act.

4 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That the Governor shall  
5 include in the budget for the fiscal year 2004 \$500,000 for an independent  
6 results-based evaluation of the integration of substance abuse treatment and child  
7 welfare services in the State. The evaluation shall be included in the report required  
8 by this Act on or before December 15, 2004.

9 SECTION 5. AND BE IT FURTHER ENACTED, That ~~this Act may be~~  
10 ~~construed only prospectively and may not be applied or interpreted to have any effect~~  
11 ~~on or application to a petition for a child in need of assistance under Title 3, Subtitle~~  
12 ~~8 of the Courts Article, before the effective date of this Act nothing in this Act may be~~  
13 ~~interpreted to change the criteria currently used for determining when a child shall be~~  
14 ~~removed from the custody of parents or other legal guardians found to have a~~  
15 ~~substance abuse problem.~~

16 SECTION ~~4~~ 6. AND BE IT FURTHER ENACTED, That this Act shall take  
17 effect July 1, 2000.