

HOUSE BILL 7

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2000 Regular Session
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(PRE-FILED)

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

Requested: November 15, 1999
Introduced and read first time: January 12, 2000
Assigned to: Environmental Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 24, 2000

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
9 circumstances; requiring the Secretary of Human Resources and the Secretary
10 of Health and Mental Hygiene to issue certain reports; expressing the intent of
11 the General Assembly about spending levels; requiring the Governor to include
12 certain amounts in the annual State budget in certain fiscal years for certain
13 purposes; requiring the Department of Health and Mental Hygiene to explore
14 the use of excess hospital beds to locate new substance abuse treatment
15 programs; requiring the Secretary of Human Resources and the Secretary of
16 Health and Mental Hygiene to enter into a memorandum of understanding for a
17 certain purpose; requiring the Department of Human Resources and the
18 Department of Health and Mental Hygiene to adopt certain regulations;

1 defining certain terms; providing for the application of this Act; and generally
2 relating to the establishment of integrated child welfare and substance abuse
3 treatment services.

4 BY adding to

5 Article - Family Law

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

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

8 Annotated Code of Maryland

9 (1999 Replacement Volume and 1999 Supplement)

10 Preamble

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

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

16 WHEREAS, The child welfare system in the United States spends an estimated
17 \$20 billion per year to care for abused and neglected children of drug- and
18 alcohol-abusing parents; and

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

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

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

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

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

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

33 WHEREAS, Linking child welfare and substance abuse programs would make
34 both more effective; and

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

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

6 **Article - Family Law**

7 SUBTITLE 12. INTEGRATION OF CHILD WELFARE AND SUBSTANCE ABUSE
8 TREATMENT SERVICES.

9 5-1201.

10 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
11 INDICATED.

12 (B) "AT-RISK PARENT" MEANS A PARENT OF A CHILD ENTERING
13 OUT-OF-HOME PLACEMENT OR AT RISK OF ENTERING OUT-OF-HOME PLACEMENT.

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

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

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

22 (F) "LOCAL DEPARTMENT" MEANS A LOCAL DEPARTMENT OF SOCIAL
23 SERVICES FOR A COUNTY.

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

26 (H) "QUALIFIED ADDICTIONS SPECIALIST" MEANS AN INDIVIDUAL WHO
27 MEETS THE QUALIFICATIONS FOR SUBSTANCE ABUSE COUNSELING AND
28 SCREENING ESTABLISHED BY THE DEPARTMENT OF HEALTH AND MENTAL
29 HYGIENE.

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

33 (J) "SUBSTANCE ABUSE TREATMENT" MEANS A PROGRAM THAT PROVIDES
34 THE INTENSITY AND TYPE OF TREATMENT NEEDED FOR PARENTS AND THEIR
35 CHILDREN TO ~~ACHIEVE~~ MAXIMIZE THE LIKELIHOOD OF LONG-TERM ABSTINENCE,
36 INCLUDING DETOXIFICATION, INTENSIVE OUTPATIENT TREATMENT, INTERMEDIATE

1 CARE AND OTHER RESIDENTIAL TREATMENT (INCLUDING PROGRAMS IN WHICH
2 PARENTS AND THEIR CHILDREN CAN LIVE AND RECEIVE TREATMENT TOGETHER),
3 AND AFTERCARE PROGRAMS SUCH AS TRANSITIONAL HOUSING.

4 (K) "SUBSTANCE ABUSE TREATMENT PERSONNEL" MEANS PERSONNEL WHO
5 WORK IN A SUBSTANCE ABUSE TREATMENT PROGRAM.

6 5-1202.

7 ON OR BEFORE DECEMBER 1, 2000, THE SECRETARY OF HUMAN RESOURCES
8 AND THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL, AFTER
9 CONSULTATION WITH A BROAD RANGE OF CHILD WELFARE PROFESSIONALS,
10 SUBSTANCE ABUSE EXPERTS, JUDGES, ATTORNEYS, MANAGED CARE
11 ORGANIZATIONS, HEALTH CARE PROVIDERS, LOCAL DEPARTMENTS, LOCAL HEALTH
12 DEPARTMENTS, AND CHILD ADVOCATES, DEVELOP A STATEWIDE PROTOCOL FOR
13 INTEGRATING CHILD WELFARE AND SUBSTANCE TREATMENT SERVICES THAT
14 INCLUDES AT A MINIMUM THE FOLLOWING:

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

17 (2) DEVELOPING AN APPROVED CURRICULUM FOR THE
18 CROSS-TRAINING AND CRITERIA FOR QUALIFIED TRAINERS USING BEST PRACTICES
19 FROM OTHER STATES;

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

24 (4) PLACING QUALIFIED ADDICTIONS SPECIALISTS IN ALL CHILD
25 WELFARE OFFICES, BASED ON A CASELOAD FORMULA DEVELOPED BY THE
26 DEPARTMENT;

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

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

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

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

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

6 5-1203.

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

13 5-1204.

14 THE GOVERNOR SHALL INCLUDE IN THE BUDGET FOR FISCAL YEAR 2002 AND
15 ALL SUCCEEDING YEARS SUFFICIENT FUNDS TO ENSURE THAT:

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

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

22 5-1205.

23 THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL EXPLORE THE
24 USE OF EXCESS HOSPITAL BEDS TO LOCATE NEW SUBSTANCE ABUSE TREATMENT
25 PROGRAMS.

26 5-1206.

27 (A) ON OR BEFORE ~~DECEMBER 15, 2000~~ JANUARY 1, 2001, AND EVERY 6
28 ~~MONTHS~~ YEAR THEREAFTER UNTIL ~~DECEMBER 15~~ JANUARY 1, 2004, THE SECRETARY
29 OF HUMAN RESOURCES AND THE SECRETARY OF HEALTH AND MENTAL HYGIENE
30 SHALL REPORT TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE
31 GOVERNMENT ARTICLE, THE ECONOMIC AND ENVIRONMENTAL AFFAIRS
32 COMMITTEE AND THE ENVIRONMENTAL MATTERS COMMITTEE OF THE GENERAL
33 ASSEMBLY, ON THEIR PROGRESS IN ~~COMPLYING WITH THE PROVISIONS~~
34 DEVELOPING AND IMPLEMENTING THE STATEWIDE PROTOCOL DESCRIBED UNDER §
35 5-1202 OF THIS SUBTITLE.

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

1 5-1207.

2 (A) IN DEVELOPING THE STATEWIDE PROTOCOL UNDER § 5-1202 OF THIS
3 SUBTITLE, THE SECRETARY OF HUMAN RESOURCES AND THE SECRETARY OF
4 HEALTH AND MENTAL HYGIENE SHALL COORDINATE WITH THE
5 RECOMMENDATIONS DEVELOPED BY THE MARYLAND DRUG TREATMENT TASK
6 FORCE.

7 (B) ON OR BEFORE JUNE 30, 2001, THE SECRETARY OF HUMAN RESOURCES
8 AND THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL ENTER INTO A
9 MEMORANDUM OF UNDERSTANDING SETTING FORTH THE RESPONSIBILITIES OF
10 EACH DEPARTMENT TO IMPLEMENT THE PROVISIONS OF THIS SUBTITLE.

11 5-1208.

12 THE DEPARTMENT OF HUMAN RESOURCES AND THE DEPARTMENT OF HEALTH
13 AND MENTAL HYGIENE SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.
14 5-1209.

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

17 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the
18 General Assembly that the Governor allocate no more than \$16 million per year to the
19 integration of child welfare and substance abuse treatment act. That the Governor
20 shall include in the budget for fiscal year 2002 and every year thereafter:

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

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

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

31 SECTION 3. AND BE IT FURTHER ENACTED, That the funds appropriated
32 for the purposes of Section 2 of this Act shall be in addition to any funds appropriated
33 for similar purposes for fiscal year 2001.

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

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1 SECTION 5. AND BE IT FURTHER ENACTED, That this Act may be
2 construed only prospectively and may not be applied or interpreted to have any effect
3 on or application to a petition for a child in need of assistance under Title 3, Subtitle
4 8 of the Courts Article, before the effective date of this Act.

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