

SENATE BILL 671

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01

2000 Regular Session
(01r1855)

ENROLLED BILL

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

Introduced by **Senators Van Hollen, Hoffman, Lawlah, Currie, Middleton,
Neall, Kasemeyer, and ~~McFadden~~ McFadden, and Hollinger**

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.

President.

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, under
12 certain circumstances, to include certain amounts in the annual State budget in
13 certain fiscal years for certain purposes and requiring a certain maintenance of
14 effort; requiring the Department of Health and Mental Hygiene to explore the
15 use of excess hospital beds and to locate new substance abuse treatment
16 programs; requiring the Secretary of Human Resources and the Secretary of

1 Health and Mental Hygiene to consider the recommendations developed by a
2 certain task force in developing the statewide protocol and to enter into a
3 memorandum of understanding for a certain purpose; requiring the Department
4 of Human Resources and the Department of Health and Mental Hygiene to
5 adopt certain regulations; defining certain terms; providing for the application
6 of this Act; and generally relating to the establishment of integrated child
7 welfare and substance abuse treatment services.

8 BY adding to

9 Article - Family Law

10 Section 5-1201 through 5-1209, inclusive, to be under the new subtitle "Subtitle
11 12. Integration of Child Welfare and Substance Abuse Treatment Services"
12 Annotated Code of Maryland
13 (1999 Replacement Volume and 1999 Supplement)

14 Preamble

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

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

20 WHEREAS, The child welfare system in the United States spends an estimated
21 \$20 billion per year to care for abused and neglected children of drug-abusing and
22 alcohol-abusing parents; and

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

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

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

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

33 WHEREAS, Women who complete residential treatment have significantly
34 higher abstinence, employment, and arrest-free rates than do the women who do not;
35 and

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

1 WHEREAS, Linking child welfare and substance abuse programs would make
2 both more effective; and

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

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

8 **Article - Family Law**

9 **SUBTITLE 12. INTEGRATION OF CHILD WELFARE AND SUBSTANCE ABUSE**
10 **TREATMENT SERVICES.**

11 5-1201.

12 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
13 INDICATED.

14 (B) "AT-RISK PARENT" MEANS A PARENT OF A CHILD ENTERING
15 OUT-OF-HOME PLACEMENT OR IDENTIFIED AS AT RISK OF ENTERING
16 OUT-OF-HOME PLACEMENT.

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

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

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

25 (F) "LOCAL DEPARTMENT" MEANS A LOCAL DEPARTMENT OF SOCIAL
26 SERVICES FOR A COUNTY.

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

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

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

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

8 (K) "SUBSTANCE ABUSE TREATMENT PERSONNEL" MEANS PERSONNEL WHO
9 WORK IN A SUBSTANCE ABUSE TREATMENT PROGRAM.

10 5-1202.

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

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

21 (2) DEVELOPING AN APPROVED CURRICULUM FOR THE
22 CROSS-TRAINING AND CRITERIA FOR QUALIFIED TRAINERS USING BEST PRACTICES
23 FROM OTHER STATES;

24 ~~(3) PROVIDING FINANCIAL INCENTIVES, INCLUDING A BONUS FOR
25 COMPLETION OF THE CROSS-TRAINING AND AN INCREASE IN PAY, FOR CHILD
26 WELFARE PERSONNEL TO BECOME QUALIFIED ADDICTIONS SPECIALISTS;~~

27 (3) A PLAN FOR PROVIDING FINANCIAL INCENTIVES FOR BOTH CHILD
28 WELFARE PERSONNEL AND ADDICTIONS PERSONNEL WHO ACHIEVE SPECIFIED
29 LEVELS OF EXPERTISE;

30 (4) PLACING QUALIFIED ADDICTIONS SPECIALISTS IN ALL CHILD
31 WELFARE OFFICES, BASED ON A CASELOAD FORMULA DEVELOPED BY THE
32 DEPARTMENT;

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

39 ~~(6) REQUIRING THAT~~ SPECIFYING THE CIRCUMSTANCES UNDER WHICH
40 A LOCAL DEPARTMENT SHALL INCLUDE IN ITS PETITION FOR A CHILD IN NEED OF

1 ASSISTANCE UNDER TITLE 3, SUBTITLE 8 OF THE COURTS ARTICLE A REQUEST THAT
2 THE COURT ORDER COMPREHENSIVE DRUG AND ALCOHOL ASSESSMENT AND
3 TESTING IN ANY CASE IN WHICH THERE IS A REASONABLE SUSPICION OF
4 SUBSTANCE ABUSE;

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

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

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

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

19 (1) SETS FORTH THE STATEWIDE PROTOCOL DEVELOPED UNDER THIS
20 SECTION; AND

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

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

26 5-1203.

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

33 5-1204.

34 SUBJECT TO THE AVAILABILITY OF FUNDS, THE GOVERNOR SHALL INCLUDE IN
35 THE STATE BUDGET FOR FISCAL YEAR 2002 AND ALL SUCCEEDING FISCAL YEARS
36 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 TREATMENT
5 NECESSARY 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, AND ~~EVERY 6 MONTHS ANNUALLY~~
13 THEREAFTER UNTIL DECEMBER 15, 2004, THE SECRETARY OF HUMAN RESOURCES
14 AND THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL REPORT TO THE
15 GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE
16 ~~GENERAL ASSEMBLY SENATE BUDGET AND TAXATION COMMITTEE, THE SENATE~~
17 ~~ECONOMIC AND ENVIRONMENTAL AFFAIRS COMMITTEE, THE HOUSE~~
18 ~~APPROPRIATIONS COMMITTEE, AND THE HOUSE ENVIRONMENTAL MATTERS~~
19 ~~COMMITTEE~~, ON THEIR PROGRESS IN COMPLYING WITH THE PROVISIONS OF THIS
20 SUBTITLE.

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

24 5-1207.

25 (A) THE SECRETARY OF HUMAN RESOURCES AND THE SECRETARY OF
26 HEALTH AND MENTAL HYGIENE SHALL, IN DEVELOPING THE PROTOCOL REQUIRED
27 UNDER § 5-1202 OF THIS SUBTITLE, CONSIDER THE RECOMMENDATIONS DEVELOPED
28 BY THE STATEWIDE TASK FORCE TO STUDY INCREASING THE AVAILABILITY OF
29 SUBSTANCE ABUSE PROGRAMS ESTABLISHED UNDER ARTICLE 41, § 18-316 OF THE
30 CODE.

31 (B) (1) ON OR BEFORE JUNE 30, 2001, THE SECRETARY OF HUMAN
32 RESOURCES AND THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL ENTER
33 INTO A MEMORANDUM OF UNDERSTANDING SETTING FORTH THE RESPONSIBILITIES
34 OF EACH DEPARTMENT TO IMPLEMENT THE PROVISIONS OF THIS SUBTITLE.

35 (2) SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE
36 SECRETARY OF HUMAN RESOURCES AND THE SECRETARY OF HEALTH AND MENTAL
37 HYGIENE SHALL SUBMIT A COPY OF THE MEMORANDUM OF UNDERSTANDING
38 ENTERED INTO UNDER PARAGRAPH (1) OF THIS SUBSECTION TO THE SENATE
39 BUDGET AND TAXATION COMMITTEE, THE SENATE ECONOMIC AND

1 ENVIRONMENTAL AFFAIRS COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE,
2 AND THE HOUSE ENVIRONMENTAL MATTERS COMMITTEE.

3 5-1208.

4 THE DEPARTMENT OF HUMAN RESOURCES AND THE DEPARTMENT OF HEALTH
5 AND MENTAL HYGIENE SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.
6 5-1209.

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

9 ~~SECTION 2. AND BE IT FURTHER ENACTED, That the Governor shall~~
10 ~~include in the budget for fiscal year 2002 and every year thereafter:~~

11 (1) ~~at least \$15 million for substance abuse testing, the creation of additional~~
12 ~~substance abuse treatment slots for at risk parents, and the provision of coordinated~~
13 ~~services to the children of at risk parents; and~~

14 (2) ~~at least \$1 million for incentives for child welfare personnel to become~~
15 ~~qualified addictions specialists.~~

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

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; and

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

22 (1) 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 at-risk
25 parents and their children;

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

28 (3) Up to \$1 million for incentives for child welfare and addictions
29 personnel to achieve specified levels of expertise as determined by the protocol
30 developed under § 5-1202 of the Family Law Article as 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. The funds expended in fiscal year 2002 for
34 the purposes of Section 2 of this Act in excess of the funds appropriated in fiscal year
35 2001 shall be counted towards fulfilling the requirements of Section 1 of this Act,
36 provided that the funds are included in the Governor's budget request for fiscal year

1 2002 and every year thereafter. The federal IV-E funds spent for the purposes of
2 Section 1 of this Act as a result of a waiver agreement with the United States
3 Department of Health and Human Services may not be counted towards fulfilling the
4 requirements of Section 2 of this Act.

5 SECTION ~~3. 2.~~ 4. AND BE IT FURTHER ENACTED, That the ~~Governor shall~~
6 ~~include in the budget for fiscal year 2004, \$500,000 for Department of Human~~
7 ~~Resources and the Department of Health and Mental Hygiene shall contract with a~~
8 ~~higher education institute or private entity to conduct~~ Governor shall include in the
9 budget for the fiscal year 2004 \$500,000 for an independent results-based evaluation
10 of the integration of substance abuse treatment and child welfare services in the
11 State. The annual evaluation shall be included in the report required by this Act on or
12 before December 15, 2004.

13 SECTION 4. ~~3.~~ 5. AND BE IT FURTHER ENACTED, That nothing in this Act
14 may be interpreted to change the criteria currently used for determining when a child
15 shall be removed from the custody of parents or other legal guardians found to have
16 a substance abuse problem.

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