

SENATE BILL 671

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2000 Regular Session
0lr1855

By: **Senators Van Hollen, Hoffman, Lawlah, Currie, Middleton, Neall,
Kasemeyer, ~~and McFadden~~ McFadden, and Hollinger**

Introduced and read first time: February 4, 2000
Assigned to: Judicial Proceedings and Economic and Environmental Affairs
Re-referred to: Economic and Environmental Affairs and Budget and Taxation,
February 28, 2000

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: April 3, 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; requiring the Governor,
11 under certain circumstances, to include certain amounts in the annual State
12 budget in certain fiscal years for certain purposes and requiring a certain
13 maintenance of effort; requiring the Department of Health and Mental Hygiene
14 to explore the use of excess hospital beds and to locate new substance abuse
15 treatment programs; requiring the Secretary of Human Resources and the
16 Secretary of Health and Mental Hygiene to consider the recommendations
17 developed by a certain task force in developing the statewide protocol and to
18 enter into a memorandum of understanding for a certain purpose; requiring the
19 Department of Human Resources and the Department of Health and Mental
20 Hygiene to adopt certain regulations; defining certain terms; and generally
21 relating to the establishment of integrated child welfare and substance abuse
22 treatment services.

23 BY adding to
24 Article - Family Law

1 Section 5-1201 through 5-1209, inclusive, to be under the new subtitle "Subtitle
2 12. Integration of Child Welfare and Substance Abuse Treatment Services"
3 Annotated Code of Maryland
4 (1999 Replacement Volume and 1999 Supplement)

5 Preamble

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

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

11 WHEREAS, The child welfare system in the United States spends an estimated
12 \$20 billion per year to care for abused and neglected children of drug-abusing and
13 alcohol-abusing parents; and

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

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

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

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

24 WHEREAS, Women who complete residential treatment have significantly
25 higher abstinence, employment, and arrest-free rates than do the women who do not;
26 and

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

29 WHEREAS, Linking child welfare and substance abuse programs would make
30 both more effective; and

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

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

Article - Family LawSUBTITLE 12. INTEGRATION OF CHILD WELFARE AND SUBSTANCE ABUSE
TREATMENT SERVICES.

4 5-1201.

5 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
6 INDICATED.

7 (B) "AT-RISK PARENT" MEANS A PARENT OF A CHILD ENTERING
8 OUT-OF-HOME PLACEMENT OR IDENTIFIED AS AT RISK OF ENTERING
9 OUT-OF-HOME PLACEMENT.

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

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

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

18 (F) "LOCAL DEPARTMENT" MEANS A LOCAL DEPARTMENT OF SOCIAL
19 SERVICES FOR A COUNTY.

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

22 (H) "QUALIFIED ADDICTIONS SPECIALIST" MEANS AN INDIVIDUAL WHO
23 MEETS THE QUALIFICATIONS FOR SUBSTANCE ABUSE COUNSELING AND
24 SCREENING ESTABLISHED BY THE DEPARTMENT OF HEALTH AND MENTAL
25 HYGIENE.

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

29 (J) "SUBSTANCE ABUSE TREATMENT" MEANS A PROGRAM THAT PROVIDES
30 THE INTENSITY AND TYPE OF TREATMENT NEEDED FOR PARENTS AND THEIR
31 CHILDREN TO ~~ACHIEVE~~ MAXIMIZE THE LIKELIHOOD OF LONG-TERM ABSTINENCE,
32 INCLUDING DETOXIFICATION, INTENSIVE OUTPATIENT TREATMENT, INTERMEDIATE
33 CARE AND OTHER RESIDENTIAL TREATMENT (INCLUDING PROGRAMS IN WHICH
34 PARENTS AND THEIR CHILDREN CAN LIVE AND RECEIVE TREATMENT TOGETHER),
35 AND AFTERCARE PROGRAMS SUCH AS TRANSITIONAL HOUSING.

36 (K) "SUBSTANCE ABUSE TREATMENT PERSONNEL" MEANS PERSONNEL WHO
37 WORK IN A SUBSTANCE ABUSE TREATMENT PROGRAM.

1 5-1202.

2 (A) ON OR BEFORE DECEMBER 1, 2000, THE SECRETARY OF HUMAN
3 RESOURCES AND THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL, AFTER
4 CONSULTATION WITH A BROAD RANGE OF CHILD WELFARE PROFESSIONALS,
5 SUBSTANCE ABUSE EXPERTS, JUDGES, ATTORNEYS, MANAGED CARE
6 ORGANIZATIONS, HEALTH CARE PROVIDERS, LOCAL DEPARTMENTS, LOCAL HEALTH
7 DEPARTMENTS, AND CHILD ADVOCATES, DEVELOP A STATEWIDE PROTOCOL FOR
8 INTEGRATING CHILD WELFARE AND SUBSTANCE ABUSE TREATMENT SERVICES
9 THAT INCLUDES THE FOLLOWING:

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

12 (2) DEVELOPING AN APPROVED CURRICULUM FOR THE
13 CROSS-TRAINING AND CRITERIA FOR QUALIFIED TRAINERS USING BEST PRACTICES
14 FROM OTHER STATES;

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

18 (3) A PLAN FOR PROVIDING FINANCIAL INCENTIVES FOR BOTH CHILD
19 WELFARE PERSONNEL AND ADDICTIONS PERSONNEL WHO ACHIEVE SPECIFIED
20 LEVELS OF EXPERTISE;

21 (4) PLACING QUALIFIED ADDICTIONS SPECIALISTS IN ALL CHILD
22 WELFARE OFFICES, BASED ON A CASELOAD FORMULA DEVELOPED BY THE
23 DEPARTMENT;

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

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

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

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

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

4 (B) NO LATER THAN DECEMBER 1, 2000, THE SECRETARY OF HUMAN
5 RESOURCES AND THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL
6 SUBMIT A REPORT TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE
7 GOVERNMENT ARTICLE, THE SENATE BUDGET AND TAXATION COMMITTEE, THE
8 SENATE ECONOMIC AND ENVIRONMENTAL AFFAIRS COMMITTEE, THE HOUSE
9 APPROPRIATIONS COMMITTEE, AND THE HOUSE ENVIRONMENTAL MATTERS
10 COMMITTEE THAT:

11 (1) SETS FORTH THE STATEWIDE PROTOCOL DEVELOPED UNDER THIS
12 SECTION; AND

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

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

18 5-1203.

19 AT AN ADJUDICATORY HEARING ON A PETITION FOR A CHILD IN NEED OF
20 ASSISTANCE UNDER TITLE 3, SUBTITLE 8 OF THE COURTS ARTICLE, IF A LOCAL
21 DEPARTMENT REQUESTS SUBSTANCE ABUSE ASSESSMENT AND TESTING FOR A
22 PARENT, THE COURT SHALL ORDER THE ASSESSMENT AND TESTING UNLESS THE
23 COURT FINDS COMPELLING REASONS NOT TO ORDER SUCH THE ASSESSMENT AND
24 TESTING AND PROVIDES SUCH THE REASONS IN WRITING.

25 5-1204.

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

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

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

35 5-1205.

36 THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL EXPLORE THE
37 USE OF EXCESS HOSPITAL BEDS TO LOCATE NEW SUBSTANCE ABUSE TREATMENT
38 PROGRAMS.

1 5-1206.

2 (A) ON OR BEFORE DECEMBER 15, 2000, AND ~~EVERY 6 MONTHS ANNUALLY~~
3 THEREAFTER UNTIL DECEMBER 15, 2004, THE SECRETARY OF HUMAN RESOURCES
4 AND THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL REPORT TO THE
5 GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE
6 ~~GENERAL ASSEMBLY SENATE BUDGET AND TAXATION COMMITTEE, THE SENATE~~
7 ECONOMIC AND ENVIRONMENTAL AFFAIRS COMMITTEE, THE HOUSE
8 APPROPRIATIONS COMMITTEE, AND THE HOUSE ENVIRONMENTAL MATTERS
9 COMMITTEE, ON THEIR PROGRESS IN COMPLYING WITH THE PROVISIONS OF THIS
10 SUBTITLE.

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

14 5-1207.

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

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

25 (2) SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE
26 SECRETARY OF HUMAN RESOURCES AND THE SECRETARY OF HEALTH AND MENTAL
27 HYGIENE SHALL SUBMIT A COPY OF THE MEMORANDUM OF UNDERSTANDING
28 ENTERED INTO UNDER PARAGRAPH (1) OF THIS SUBSECTION TO THE SENATE
29 BUDGET AND TAXATION COMMITTEE, THE SENATE ECONOMIC AND
30 ENVIRONMENTAL AFFAIRS COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE,
31 AND THE HOUSE ENVIRONMENTAL MATTERS COMMITTEE.

32 5-1208.

33 THE DEPARTMENT OF HUMAN RESOURCES AND THE DEPARTMENT OF HEALTH
34 AND MENTAL HYGIENE SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.
35 5-1209.

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

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

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

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

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

13 SECTION ~~4.~~ 3. 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. AND BE IT FURTHER ENACTED, That this Act shall take
18 effect July 1, 2000.