

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 332 (Delegate Boutin. *et al.*)

Commerce and Government Matters

Ethics Law - Secondary Employment of Social Services Employees as Visitation Facilitators

This bill modifies the conflict of interest provisions of the Maryland Public Ethics Law to permit an employee of a local department of social services to have secondary employment with a circuit court as a visitation facilitator in domestic relations or custody cases, provided that the employee receives no assignments in the course of either employment with a family that is involved with the other agency.

Fiscal Summary

State Effect: The bill would not significantly impact governmental operations or finances.

Local Effect: The bill would not significantly impact governmental operations or finances.

Small Business Effect: None.

Analysis

Current Law: The State Public Ethics Law prohibits a public official or employee from:

- being employed by or having a financial interest in an entity subject to the authority of that official or employee or the governmental unit with which the official or employee is affiliated; or
- holding any other employment relationship if that employment relationship would impair the impartiality and independent judgment of the official or employee.

Background: In 1996, the Department of Human Resources asked the Public Ethics Commission to review whether a child protective services worker in a local department of

social services may have secondary employment with the local circuit court as a visitation facilitator in a domestic relations or custody case.

A visitation facilitator responds to concerns by family members about a lack of visitation or custody, assists in bringing about visits, and provides reports to the court regarding the factual circumstances of cases. A child protective services worker, on the other hand, investigates and assesses situations where there has been a report of child abuse or neglect. The child protective services worker makes decisions on whether a child should remain in a particular home environment and may testify in court or make presentations to and for court masters, judges, and other legal professionals.

The Public Ethics Commission concluded in an advisory opinion, Opinion 96-7, that the secondary employment of a child protective services worker as a visitation facilitator is barred under the State Public Ethics Law. The commission indicated that the situation presents concerns under the impairment provision of the State Public Ethics Law, given the relationship between the court and the local department of social services in determining whether custody or visitation should be granted, or whether parental rights should be terminated.

This bill would override Opinion 96-7.

State Fiscal Effect: The predominant effect of the bill would be to change the standard of conduct applicable to a particular class of individuals subject to the State Public Ethics Laws. The bill is not expected to have a significant impact on governmental operations or finances.

Additional Information

Prior Introductions: None.

Cross File: SB 267 (Senator Collins) - Economic and Environmental Affairs.

Information Source(s): Department of Human Resources, State Ethics Commission, Department of Legislative Services

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