

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 922 (Delegate Montague, *et al.*)

Judiciary

Juvenile Law - Children in Need of Assistance - Mentally Handicapped Children

This bill contains various requirements relating to mentally handicapped children who are children in need of assistance.

Fiscal Summary

State Effect: The cost to the State for mental health care and treatment for each child committed to the Department of Health and Mental Hygiene (DHMH) pursuant to the bill could be as high as \$80,000 annually.

Local Effect: The bill is not expected to significantly impact the Judiciary's workload.

Small Business Effect: Potential minimal.

Analysis

Bill Summary: A local department of social services must file a petition alleging that a mentally handicapped child is a child in need of assistance (CINA):

- within 15 days after the receipt of a complaint alleging that the child is or will be ready for discharge from a hospital and the child's parents, guardian, or custodian have been notified and are unable or unwilling to have the child return home; or
- within 30 days after the receipt of a complaint alleging that the child is or will be ready for discharge from an out-of-home placement and the child's parents, guardian, or custodian have been notified and are unable or unwilling to have the child return home.

The juvenile court must rule on such a petition on an expedited basis.

DHMH must be made a party to a CINA proceeding if the petition alleges that the child is mentally handicapped.

In making a disposition on a finding that a mentally handicapped child is a CINA, the court:

- must order DHMH to provide the family and the child with any service, including an in-home service, that would prevent the need for an out-of-home placement;
- must order that the child be placed in the least restrictive setting, if the court determines that an out-of-home placement is necessary; and
- may not place the child in the custody of a local department of social services of DHMH solely because the child requires an out-of-home placement.

Current Law: Upon receipt and consideration of a complaint alleging that a child is a CINA, a local department of social services must file a CINA petition, authorize the person or agency making the complaint to file a petition, or deny authorization to file the petition.

Background: Concern has arisen over recent cases in which children who are not in State custody remain in psychiatric facilities beyond their recommended discharge dates because the parents of the children are unable or unwilling to resume their care. These situations put the State in the position of trying to balance a number of different objectives: the need to remove the child from an inappropriate treatment setting, the need to ensure that the child receives the appropriate mental health services consistent with the child's discharge treatment plan, and the responsibility to attempt as much as is appropriate to preserve relationships between the family and the child. The extent of this problem is unknown.

In December 1999, the Governor's Office for Children, Youth, and Families adopted an interagency policy to address this type of situation.

State Expenditures: The cost to the State for mental health care and treatment for each child committed to the care of DHMH pursuant to the bill could be as high as \$80,000 per year.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Office of the Public Defender, Judiciary (Administrative Office of the Courts), Department of Health and Mental Hygiene (Developmental Disabilities Administration, Mental Hygiene Administration), Department of Human Resources, Department of Legislative Services

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Analysis by: Claire E. Rooney

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510