

Department of Legislative Services
 Maryland General Assembly
 2000 Session

FISCAL NOTE
Revised

House Bill 937 (Delegate Montague)

Judiciary

**Criminal History Records Check - Parent or Guardian of Child in
 Out-of-Home Placement**

This bill allows a local department of social services (DSS) to require the following persons to obtain a criminal history records check: (1) a parent or guardian of a child who is committed to the local department and been placed in an out-of-home placement within the past year; and (2) any adult known by the local department to be residing in the home of the parent or guardian.

The local DSS is required to reimburse any resident adult (other than a parent or guardian) for the costs of the criminal history records check.

Fiscal Summary

State Effect: General and federal fund expenditures would increase by \$96,400 (75% federal, 25% State) annually beginning in FY 2001. Out-year expenditures reflect new applications only.

| (in dollars) | FY 2001 | FY 2002 | FY 2003 | FY 2004 | FY 2005 |
|-----------------|------------|-----------|-----------|-----------|-----------|
| GF Revenues | \$0 | \$0 | \$0 | \$0 | \$0 |
| FF Expenditures | 72,300 | 4,100 | 4,400 | 4,700 | 4,900 |
| GF Expenditures | 24,100 | 1,400 | 1,500 | 1,600 | 1,600 |
| Net Effect | (\$96,400) | (\$5,500) | (\$5,900) | (\$6,300) | (\$6,500) |

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - =indeterminate effect

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Local departments of social services do not require a criminal history records check of a parent or guardian with whom a child is placed, or for any other adult known to be residing in the home of the parent or guardian.

A criminal history records check is required, by statute, for an employer or employee in facilities such as child care centers, family day care homes, juvenile correction centers, and schools. It is also required by law for adult individuals known to be residing in a family day care home, a foster care home, or the home of a prospective adoptive parent. An employer at a facility who employs individuals to work with children may require an employee or volunteer to obtain a criminal history records check and a local department of social services may require a volunteer of that department to obtain a criminal history records check.

State Fiscal Effect: This estimate assumes: (1) 15% of the parents/guardians of the 13,000 children currently in out-of-home placements, or 1,950 individuals would be required by the local DSS to have a background check completed in fiscal 2001; (2) 1,853 individuals (95%) will be unable to pay the fee, and will need the criminal background records check to be funded by the local DSS; (3) these 1,853 individuals will be funded by DSS with a 75% federal/25% general fund mix to obtain the requested criminal background records checks; and (4) each background check costs \$52.

Accordingly, general and federal fund expenditures would increase by approximately \$96,356 (\$72,267 federal; \$24,089 State) in fiscal 2001, which reflects the cost to DSS for State and national criminal history records checks that are expected to be required under this bill. These checks are performed thorough the Department of Public Safety and Correctional Services (Data Services Division) on a full cost recovery basis. For fiscal 2002 and beyond, costs reflect an annual growth rate of 6% in out-of-home placement applications.

While any additional expenditures arising from the bill's criminal history records check reimbursement requirement applicable to adults residing in the home of the parent or guardian cannot be quantified with much certainty, they are expected to be less than \$5,000 annually.

Additional Information

Prior Introductions: None.

Cross File: SB 527 (Senator Green) - Judicial Proceedings.

Information Source(s): Department of Human Resources, Department of Public Safety and Correctional Services (Information Technology and Communications Division), Department of Legislative Services

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