

Department of Legislative Services
 Maryland General Assembly
 2002 Session

FISCAL NOTE

House Bill 1407 (Delegate Pitkin)
 Judiciary

Office of the Attorney General - Child Abuse Complaints Ombudsman

This bill creates the position of child abuse complaints ombudsman within the Office of the Attorney General.

Fiscal Summary

State Effect: General fund expenditures could increase by \$285,000 in FY 2003, reflecting the bill's October 1, 2002 effective date. Out-year projections reflect annualization and inflation.

(in dollars)	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	285,000	348,900	364,100	380,300	397,500
Net Effect	(\$285,000)	(\$348,900)	(\$364,100)	(\$380,300)	(\$397,500)

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

Local Effect: Any effect on local government enforcement activities would not materially affect local government finances.

Small Business Effect: None.

Analysis

Bill Summary: The bill requires the Attorney General to employ an ombudsman who is a practicing attorney with extensive knowledge of child abuse laws.

The bill specifies the duties of the ombudsman, including ensuring that local departments of social services comply with the requirements for their offices under the State's child abuse and neglect laws. The bill also specifies the ombudsman's powers, including the investigation of complaints against social workers and caseworkers. The ombudsman may also conduct hearings and request that individuals appear and give testimony. The bill requires the Attorney General to adopt regulations to implement the bill. The ombudsman must report annually to the Governor and the General Assembly on the ombudsman's findings and recommendations for improvements in child protective services, adoption, and foster care.

An individual may file a complaint with the ombudsman alleging that: (1) a social worker, caseworker, or other employee of a local department of social services improperly investigated, supervised, or placed a child that has been subjected to abuse or neglect; or (2) an administrative act: (a) is contrary to State law or regulations; (b) was imposed without adequate statement of reason; or (c) was based on irrelevant, immaterial, or erroneous grounds. When the ombudsman decides whether to investigate a complaint or continue an investigation, the ombudsman must give written notice to the complainant, the local department, and the individual who is the subject of the complaint. If the ombudsman finds a violation of law under the bill, the ombudsman must file a report with the Attorney General recommending prosecution and, in the case of a licensed social worker, file a report with the State Board of Social Work Examiners.

Current Law: The Attorney General may employ a staff in accordance with the State budget. Staff members, including deputy attorneys general and assistant attorneys general, are deemed special appointments and serve at the pleasure of the Attorney General. In addition, the Consumer Protection Division and the Electronic Transaction Education, Advocacy, and Mediation Unit have been established by statute within the Office of the Attorney General.

Background: Michigan adopted similar legislation in 1994. Under Michigan's law, the children's ombudsman is appointed by the Governor and serves at the pleasure of the Governor. The Michigan ombudsman may investigate complaints about children in Michigan's child welfare system.

State Expenditures: The Department of Human Resources reported approximately 31,500 investigations of child abuse and neglect in fiscal 2001, the latest year for which complete data are available. If 3% of those were the subject of a complaint to the ombudsman, the ombudsman's caseload would be approximately 950 investigations annually. General fund expenditures could increase by an estimated \$285,000 in fiscal 2003, which accounts for the bill's October 1, 2002 effective date. This estimate reflects the cost of six new positions (a principal counsel, one staff attorney, three investigators,

and an administrative assistant) to process, investigate, and hear complaints. It includes salaries, fringe benefits, one-time start-up costs, hearing costs (includes transcription services), and other ongoing operating expenses.

Salaries and Fringe Benefits	\$244,100
Hearing Expenses	7,500
Other Operating Expenses	<u>33,400</u>
Total FY 2003 State Expenditures	\$285,000

Future year expenditures reflect: (1) full salaries with 3.5% annual increases and 3% employee turnover; and (2) 1% annual increases in ongoing operating expenses.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Human Resources, Office of the Attorney General, Department of Legislative Services

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