

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE
Revised

House Bill 293

(The Speaker)

Ways and Means

Finance

**Subcabinet for Children, Youth, and Families - Transfer of Services -
Department of Health and Mental Hygiene, State Department of Education, and
Department of Human Services**

This bill repeals the Office for Children, Youth, and Families (OCYF) and transfers OCYF's functions and positions to the Department of Health and Mental Hygiene (DHMH), the Maryland State Department of Education (MSDE), and the Department of Human Resources (DHR). The Subcabinet for Children, Youth, and Families becomes part of DHMH and the Secretary of Health and Mental Hygiene serves as the subcabinet's chair. The Governor must appropriate additional funds to DHMH, MSDE, or DHR if there is a need for additional employees to carry out the bill's provisions. The bill also establishes a new Advisory Council on Children, Youth, and Families by consolidating two councils and one commission under statute (the Governor's Council of Adolescent Pregnancy, the State Commission on Infant Mortality, and the Maryland School-Based Health Policy Advisory Council). By July 1, 2005, the subcabinet must determine the best method for continuing the integration of the Subcabinet for Children, Youth, and Families Information System.

The bill takes effect July 1, 2005 and terminates June 30, 2008.

Fiscal Summary

State Effect: The bill repeals OCYF and transfers its functions and positions to DHMH, MSDE, and DHR beginning in FY 2006. Of the \$4,080,744 that would be transferred from OCYF, \$3,697,841 would be transferred to DHMH, \$169,939 would be transferred to MSDE, and \$212,964 would be transferred to DHR.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law:

Subcabinet for Children, Youth, and Families

The Subcabinet for Children, Youth, and Families is chaired by the Special Secretary for Children, Youth, and Families and consists of the Secretaries of Health and Mental Hygiene, Human Resources, Juvenile Services, Budget and Management, Disabilities, and the State Superintendent of Schools. The subcabinet must: (1) provide ongoing examination of the structure and organization of Maryland's system of services to children, youth, and families; and (2) facilitate a comprehensive effective, efficient, and integrated service delivery system for services to children, youth, and families. The subcabinet must meet at least four times annually.

Office for Children, Youth, and Families

OCYF consists of the following units: (1) the Advisory Committee for Children, Youth, and Families; (2) children's councils; (3) the Governor's Council on Adolescent Pregnancy; (4) the State Coordinating Council for Residential Placement of Handicapped Children; (5) the Office of the Independent Juvenile Justice Monitor; (6) the Maryland School-Based Health Center Policy Advisory Council; and (7) other interagency initiatives for children, youth, and families that are not reserved by law to another agency.

Local Management Boards

Local Management Boards (LMBs) ensure implementation of a local interagency service delivery system for children, youth, and families. There are three types of LMBs allowed: (1) a quasi-public nonprofit corporation not considered an instrumentality of the local government; (2) a public agency considered an instrumentality of the local government; or (3) a regional nonprofit corporation or public agency to represent multiple jurisdictions.

State Coordinating Council for Residential Placement of Handicapped Children

The State Coordinating Council for Residential Placement of Handicapped Children must establish a local coordinating council in each county and Baltimore City and perform other functions, including: (1) develop procedures for local council operations; (2)

periodically review the local councils' residential placement decision procedures; (3) plan and coordinate with the local councils concerning the adequate provision of services to children with disabilities requiring residential placement; and (4) in cooperation with the local councils, monitor the services provided to children placed in residential programs.

Subcabinet for Children, Youth, and Families Resource Fund

The Subcabinet for Children, Youth, and Families Resource Fund is a continuing, nonlapsing special fund. Up to \$1 million not appropriated at the end of a fiscal year remains in the fund. Any amount more than \$1 million not appropriated at the end of a fiscal year reverts to the general fund.

Children's Trust Fund

The Children's Trust Fund provides grants to public and private community-based organizations and agencies in a county for: (1) development, assistance, implementation, or evaluation of innovative child abuse and neglect prevention, treatment, or education programs; and (2) the operation of innovative support programs for parents, families, and abused or neglected children. The fund is a special, nonlapsing fund of which no part may revert or be credited to the general fund or any other State special fund.

Office of the Independent Juvenile Justice Monitor

The Office of the Independent Juvenile Justice Monitor's duties include: (1) evaluating at each facility the child advocacy grievance process, the Department of Juvenile Services' (DJS) monitoring process, the treatment of and services to youth, the facility's physical conditions, and the adequacy of staffing; (2) reviewing all reports of disciplinary actions, grievances, and grievance dispositions received from each facility and alterations in the status or placement of a child that result in more security, additional obligations, or less personal freedom; (3) performing unannounced site visits and on-site inspections of facilities; and (4) receiving and reviewing all incident reports submitted to DJS from facilities.

OCYF Councils and Commission

The Governor's Council on Adolescent Pregnancy must conduct a thorough examination of the programs and laws relating to or governing services designed to prevent and address adolescent pregnancy. The council's purpose is to reduce unplanned adolescent pregnancies in Maryland.

The Maryland School-Based Health Policy Advisory Council is charged with coordinating the interagency effort to develop, sustain, and promote quality school-based health centers in Maryland.

The State Commission on Infant Mortality's purpose is to reduce infant mortality in Maryland by performing certain duties, including: (1) establishing a perinatal system for maternal and infant health care by region; (2) developing policies and strategies to increase the availability of skilled providers for needy Maryland citizens and recommend initiatives for expanding nurse midwifery and nurse practitioner programs, investigating the reasons physicians do not participate in Medicaid, and assuring access to quality physician and other health care practitioners for medical assistance to patients and patient populations in rural communities; and (3) making recommendations to establish and implement a perinatal surveillance and data collection system.

Disclosure of Information

Statute restricts disclosure of information and portions of records on the children, youth, and families served by State agencies.

Background: OCYF began as the gubernatorial Maryland Commission for Children, Youth, and Families established in 1968. The commission was responsible for identifying issues affecting children and youth and focusing attention on new programs and/or approaches to address those issues. In 1978, the Office of Children and Youth was established to assist agencies, local governments, and other organizations to carry out their functions involving children and youth.

The office was subsequently reorganized and renamed as OCYF in 1990. The office is subject to the Maryland Program Evaluation Act, also known as the "sunset law," which provides a system of periodic legislative review of the regulatory, licensing, and other governmental activities of various units of State government. The bill arises out of the preliminary sunset evaluation of OCYF performed by the Department of Legislative Services (DLS). In its report, DLS recommended that the Legislative Policy Committee extend OCYF's termination date by five years to July 1, 2009, and waive the office from a full evaluation.

Chapter 282 of 2002 continued OCYF until June 30, 2005, when it is scheduled to terminate. SB 131 of 2002 and its cross file HB 151 of 2002 that would have continued OCYF until July 1, 2009 received unfavorable reports in the Senate Finance Committee and House Appropriations Committee, respectively.

State Fiscal Effect: The bill repeals OCYF and transfers its functions and positions to DHMH, MSDE, and DHR, with DHMH receiving the majority of the transfer. The fiscal 2006 OCYF budget allowance is \$4,080,744.

DHMH revenues and expenditures would increase by \$3,697,841 in fiscal 2006, which reflects the transfer of 37 positions and related operating expenses from OCYF to the department.

MSDE revenues and expenditures would increase by \$169,939 in fiscal 2006, which reflects the transfer of one position and related operating expenses from OCYF to the department.

DHR revenues and expenditures would increase by \$212,964 in fiscal 2006, which reflects the transfer of two positions and related operating expenses.

Additional Information

Prior Introductions: None.

Cross File: SB 222 (The President)(By Request – Administration) – Finance.

Information Source(s): Department of Juvenile Services, Montgomery County, Prince George's County, Department of Human Resources, Governor's Office (Children, Youth, and Families), Maryland State Department of Education, Department of Disabilities, Department of Health and Mental Hygiene, Department of Budget and Management, Department of Legislative Services

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