

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 431

(Senator Kelley)

Judicial Proceedings

Judiciary

Children - Out-of-Home Care Review Boards - Case Reviews

This bill renames an existing State board as the State Citizens Review Board for Children (CRBC) and expands the duties of CRBC, local citizen boards of review for children in out-of-home care, and local citizens review panels.

Fiscal Summary

State Effect: Existing CRBC staff would attend fewer but longer meetings of local boards of review for minor children in out-of-home placement as the local boards conducted their case reviews. The bill would not directly affect governmental finances.

Local Effect: Local boards of review for minor children in out-of-home placement would conduct fewer, more intensive case reviews. The bill would not directly affect local government finances.

Small Business Effect: None.

Analysis

Bill Summary:

State Citizens Review Board for Children

The bill expands CRBC's duties to include examining the practices of State and local agencies and reviewing specific cases.

CRBC review of specific cases must include questions designed to meet the quality assessment goals for casework services. CRBC must tabulate the case review results and submit the results for review as part of the local department of social services (LDSS) self-assessment process.

CRBC, or its designee, must hold in-person or electronic community forums that provide for public outreach and comment and that report the findings and recommendations of the State board, the local citizen review panel, if any, and the local boards.

The bill clarifies that CRBC must coordinate its activities with the State Child Fatality Review Team and with local child fatality review teams.

The bill repeals a provision allowing CRBC, if the Department of Human Resource's Social Services Administration concurs, to establish categories of children in out-of-home placement for whom a satisfactory permanent placement has been made and who may be exempt from review by the local boards.

Reporting Requirements: CRBC must report annually, by January 1, to the General Assembly and the Secretary of Human Resources on its findings and recommendations, in addition to a summary of its activities. This report may be combined with the CRBC annual report on the status of children in out-of-home placement that currently is required to be submitted annually by January 1 to the General Assembly. Within 120 days of receiving either of these reports, the Secretary of Human Resources must send a written response to CRBC describing the actions to be taken by the Department of Human Resources (DHR) in response to CRBC recommendations. CRBC must make recommendations to the Secretary of Human Resources and the General Assembly on the response of the State to child abuse and neglect and out-of-home care policies, procedures, and practices. The currently required annual report to the General Assembly on the status of children in out-of-home placement in Maryland must also be sent to the Secretary.

Local Boards of Review

Scope of Review and Goals: The bill requires each local board to review children in out-of-home care, rather than out-of-home placement, and defines "out-of-home care" as out-of-home placement and the monitoring of and services provided to a child in aftercare following a child's out-of-home placement. Regulations adopted by CRBC and the Secretary must require at least one review within the first 12 months after a child enters an out-of-home placement and subsequent reviews when the court, the LDSS, an interested person, or the local board raises a concern that the local board may address through its findings and recommendations.

The bill repeals the statutory goals of a local board and replaces them with the following goals:

- for minor children who live in out-of-home care under an LDSS' jurisdiction to conduct case reviews and individual child advocacy activities in accordance with those case reviews under protocols established by CRBC;
- in cooperation with any other local boards in the county, to make recommendations regarding how the out-of-home care system may be improved;
- to coordinate its findings and recommendations with a local citizens review panel serving the county;
- to meet with the LDSS director and the judge in charge of the juvenile court in the county to discuss the board's findings and recommendations; and
- to assist CRBC in holding community forums.

Local Board of Review Recommendations: The bill also repeals what a local review board may recommend in its report to the juvenile court and the LDSS on each minor child whose case is reviewed by the local board.

Instead, the local board's report must include the following findings and recommendations: ● the applicability of provisions authorizing the waiver of reunification services; ● the appropriateness of terminating parental rights for a minor child; ● agreement or disagreement with the permanency plan; ● any reasonable efforts made toward the preservation of family relationships and connections; ● any reasonable efforts made toward a permanent placement and preparing the child for independent living, if applicable; ● the level of safety of current and planned living arrangements and the adequacy of DHR's efforts to keep the child safe; ● the appropriateness of the current living arrangement and agreement or disagreement with the LDSS' placement plan; and ● the appropriateness of efforts to meet the child's education and health care needs.

Child's Living Arrangements: If a local board finds that a child's current living arrangement is not appropriate and the child is not placed in the jurisdiction of origin, the local board must explain why it is inappropriate.

Child Placement Plans: If the local board disagrees with the LDSS' placement plan and the child would be placed outside the jurisdiction of origin, the local board must explain why the plan is inappropriate, including whether resources are not available to meet the

child's service needs, family treatment services are not accessible, distance is a barrier to family visitation, or the local school system is not meeting the child's educational needs.

Case Reviews: Case reviews may include questions designed to meet the quality assessment goals for casework services. CRBC must tabulate the case review results and submit those results for consideration as part of the LDSS self-assessment process.

Local Citizens Review Panels

A local citizens review panel's duties are expanded to include carrying out case reviews. Panel members' terms are limited to four years. At the end of a term, the member must continue to serve until a successor is appointed.

Two or more counties may establish a multicounty local citizens review panel according to a memorandum of understanding executed by the governing bodies of the each participating county, instead of the multicounty local panel.

Current Law:

State Citizens Board of Review of Foster Care for Children

The State board must, by examining the policies and procedures of State and local agencies and specific cases the State board considers necessary to perform its duties, evaluate the extent to which State and local agencies are effectively discharging their child protection responsibilities in accordance with the State child welfare plan, federal child protection standards, and any other criteria the State board considers important to ensure the protection of children.

In consultation with local citizen review panels and the State Council on Child Abuse and Neglect, the State board must develop protocols that govern the scope of activities of local citizen review panels to reflect the provisions of the federal Child Abuse Prevention and Treatment Act. To avoid duplication of effort, the State board must coordinate its activities with the State Council on Child Abuse and Neglect, local citizen review panels, and child fatality review teams.

The State board must annually prepare a report that contains a summary of its activities and must make it available to the public.

Local Boards of Review

There must be at least one local board of review for minor children in out-of-home placement in each county. Instead of a local board in each county, two or more counties may agree to establish a single multicounty local board.

The goals of each local board are:

- as to minor children who have lived in out-of-home placement under an LDSS' jurisdiction for more than six months:
 - to review the cases every six months to determine what efforts have been made to acquire permanent and stable placement for these children; and
 - depending on the child's best interests, to encourage and facilitate the return of each of these children to the child's parent, to encourage placement of the child with the child's relatives (provided the placement has legal status), or to encourage adoption of the child;
- to encourage all possible efforts for permanent foster care or kinship care or guardianship for minor children for whom return to a parent or adoption is not feasible; and
- to report to the juvenile court on the status of efforts to secure permanent homes for minor children.

Each local board must review children in out-of-home placement in accordance with the local plans approved by the State board and the Secretary of Human Resources. Each local board must report in writing to the juvenile court and the LDSS on each minor child whose case is reviewed by the local board.

In the report, the local board may recommend, as being in the best interest of the minor child that ● the child be returned to the parent or legal guardian; ● the child continue to be placed outside the home and the present placement plan is appropriate; ● the child continue to be placed outside the home, but the present placement is inappropriate; ● the child continue to be placed outside the home, but the child be placed in the local jurisdiction of origin, if appropriate; ● the child continue to be placed in another local jurisdiction in the State after considering the availability of resources to provide necessary services, the accessibility to family treatment, if appropriate, and the effect on the local school system; or ● proceedings be initiated to terminate the rights of the parent as to the child so the child may be eligible for adoption.

Local Citizens Review Panels

A local government may establish a local citizens review panel to assist and advise the State board and the State Council on Child Abuse and Neglect. Two or more counties may establish a multicounty local citizens review panel, in accordance with a memorandum of understanding executed by the multicounty local panel.

A local panel must • evaluate the extent to which the State and local agencies in that jurisdiction are effectively fulfilling their responsibilities according to child protection standards and the State plan and any other criteria the panel considers important for the protection of children; • issue reports on its findings to the State board and the State Council on Child Abuse and Neglect; and • carry out other duties as requested by the State board and the State Council on Child Abuse and Neglect.

Existing DHR regulations require a local board to schedule and conduct timely citizen reviews of children in out-of-home placements at least once during the first 12 months after a child enters an out-of-home placement and at other later specified intervals.

Background: The bill is intended to conform State law with changes in the federal Child Abuse Prevention and Treatment Act and to enhance implementation of Chapters 31 and 475 of 2006, the Child Welfare Accountability Act of 2006.

In fiscal 2006, 5,704 out-of-home placement reviews and approximately 100 child protection reviews were conducted. Local boards conduct the out-of-home placement reviews. State board staff conduct the child protection reviews. The State board advises that a staff member is always present when the local boards conduct their reviews. Volunteers that staff the local boards are forbidden from having confidential case materials in their homes or offices. Only State board staff can process the case recommendations sent to a court and to an LDSS by a local board, the State board advises.

DHR and the State board entered into a memorandum of agreement that affects its case review process. The agreement makes a number of changes in the process including reducing the number of mandatory reviews per case from three to two. Reviews currently take approximately one-half hour per child to complete. The agreement took effect January 11, 2007, and remains in effect for six months, ending July 11, 2007.

State and Local Fiscal Impact: Local boards would conduct fewer, more intensive out-of-home placement reviews so that existing CRBC staff would be sufficient to attend those reviews and process the local boards' recommendations. The provision that the out-of-home placement case reviews may include questions to meet the quality

assessment goals for casework services would result in a more intensive review for cases that are reviewed.

Case reviews under the bill would take approximately one and one-half hours per child to complete, as opposed to the current one-half hour to complete. Approximately 6,000 out-of-home placement case reviews are currently conducted annually. As a result, fewer case reviews could be conducted in a particular day.

If the number of out-of-home placement case reviews by local boards remained at approximately 6,000 annually, DHR would need to hire additional CRBC staff to ensure there would be enough staff to attend all of the local board review meetings and process the local boards' recommendations. To avoid increasing CRBC staff that would need to be present at these more intensive reviews by local boards, the State board advises that it would instead reduce to 1,800 the number of out-of-home placement case reviews annually conducted. Fewer case reviews could be conducted because the bill repeals the existing requirement for the local boards to review cases every six months.

The number of child protection case reviews conducted, currently approximately 100 each year, would not be reduced.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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