

**Department of Legislative Services**  
Maryland General Assembly  
2007 Session

**FISCAL AND POLICY NOTE**  
**Revised**

House Bill 1226

(Delegate Barnes, *et al.*)

Judiciary

Judicial Proceedings

**Children with Disabilities - Voluntary Placement Agreements**

This bill requires the juvenile court, before determining whether a child with a developmental disability or a mental illness is a child in need of assistance (CINA), to make a finding whether the local department of social services (LDSS) could have placed the child in accordance with a voluntary placement agreement. The bill also authorizes the court to hold a CINA finding in abeyance and order the LDSS to assess the family and child's eligibility for a voluntary placement agreement and to report back to the court.

If the LDSS does not find the child eligible for a voluntary placement agreement, the court can hold a hearing and order the LDSS to offer such an agreement, find that the child is a CINA, or dismiss the case.

**Fiscal Summary**

**State Effect:** Department of Human Resources (DHR) general fund expenditures would increase by \$30,400 in FY 2008 to hire a part-time individual to coordinate and supervise LDSS staff reviewing the voluntary placement requests. Department of Health and Mental Hygiene (DHMH) expenditures would increase by \$56,400 (\$40,600 general/\$15,800 federal) to consult with LDSS staff to identify services for children under voluntary placement agreements and provide staff and parent training. Future years expenditures reflect annualization and inflation. No effect on revenues.

(in dollars)	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	71,000	97,600	101,600	105,800	110,200
FF Expenditure	15,800	21,900	22,800	23,700	24,700
Net Effect	(\$86,800)	(\$119,500)	(\$124,400)	(\$129,500)	(\$134,900)

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

**Local Effect:** None.

**Small Business Effect:** None.

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## Analysis

**Bill Summary:** Each LDSS must designate existing staff to administer requests for voluntary placement agreements for children with developmental disabilities or mental illnesses. The Social Services Administration (SSA) within DHR must annually train these staff.

On receiving a request for such a voluntary placement agreement, an LDSS must discuss the child's case at the next local coordinating council meeting to determine whether any alternative or interim services for the child and family may be provided by any agency.

Each LDSS must annually report to SSA on the number of requests for voluntary placement agreements for children with developmental disabilities or mental illnesses that are received, the outcome of each request, and the reason for each denial.

### Current Law:

#### *CINA*

CINA is a child who requires court intervention because • the child was abused or neglected or has a developmental disability or a mental disorder; and • the child's parents, guardian, or custodian are unable or unwilling to give the proper care and attention to the child and the child's needs.

If the court finds that a child is a CINA, the court may commit the child to the custody of an LDSS, DHMH, or both.

#### *Voluntary Placement Agreement*

A voluntary placement agreement is a binding, written agreement between an LDSS and the parent or legal guardian of a minor child that specifies, at a minimum, the legal status of the child and the rights and obligations of the parent or legal guardian, the child, and the LDSS while the child is in placement.

Within 30 days after a voluntary placement petition is filed, the court must hold a voluntary placement hearing and must make findings as to whether continuation of the

placement is in the child's best interests and whether reasonable efforts have been made to reunify the child with the family or place the child in a timely manner in accordance with the child's permanency plan.

In making a disposition on a voluntary placement petition, the court must:

- order the child's voluntary placement to be terminated and the child returned to the child's home and provided with available services and support needed for the child to remain in the home;
- order the child's voluntary placement to continue if the local department and the child's parent or guardian continue to agree to the voluntary placement;
- subject to provisions governing commitment of a child for inpatient care and treatment, order an amendment to the voluntary placement agreement to address the needs of the child; or
- if necessary to ensure the care, protection, safety, and mental and physical development of the child, order the local department to file a CINA petition.

#### *Out-of-home Placements*

SSA must establish an out-of-home placement program for minor children:

- who are placed in an LDSS' custody for not more than 180 days by a parent or legal guardian under a voluntary placement agreement;
- who are abused, abandoned, neglected, or dependent, if a juvenile court has determined that continued residence in the child's home is contrary to the child's welfare and has committed the child to the custody or guardianship of an LDSS; or
- who, with SSA approval, are placed in an out-of-home placement by an LDSS under a voluntary placement agreement.

An LDSS may not seek legal custody of a child under a voluntary placement agreement if the child has a developmental disability or a mental illness and the purpose of the voluntary placement agreement is to obtain treatment or care related to the child's disability that the parent is unable to provide. The child may remain in an out-of-home placement under a voluntary placement agreement for more than 180 days if the child's

disability necessitates care or treatment in the out-of-home placement and a juvenile court makes a finding that continuation of the placement is in the best interests of the child.

**Background:** DHR advises that 10,215 children living in Maryland are in an out-of-home placement.

DHMH's Developmental Disabilities Administration (DDA) currently consults with LDSS staff and parents to identify appropriate services for children and refers those children to licensed community service providers. DDA also provides behavioral consultation, training, and the development of a behavioral plan as needed.

### **State Expenditures:**

*Department of Human Resources:* DHR general fund expenditures could increase by an estimated \$30,378 in fiscal 2008, which accounts for the bill's October 1, 2007 effective date. This estimate reflects the cost of hiring a part-time analyst to provide ongoing management of voluntary placement agreement functions, including coordinating and overseeing existing LDSS staff who would be assigned to those functions in the 24 local jurisdictions. It includes a salary, fringe benefits, one-time start-up costs, travel costs, and ongoing operating expenses.

Salaries and Fringe Benefits	\$23,042
Operating Expenses	5,153
Travel Costs	<u>2,183</u>
<b>Total FY 2008 State Expenditures</b>	<b>\$30,378</b>
Positions	0.5

Future year expenditures reflect: (1) a full salary with 4.5% annual increases and 3% employee turnover; and (2) 1% annual increases in ongoing operating expenses and travel costs.

*Department of Health and Mental Hygiene:* DHMH expenditures could increase by an estimated \$56,439 in fiscal 2008 (\$40,636 general funds/\$15,803 federal funds), which accounts for the bill's October 1, 2007 effective date. This estimate reflects an estimated six additional requests monthly for DDA to consult with LDSS staff and parents to identify appropriate services for children, refer them to licensed community service providers, and provide training to LDSS staff and caregivers. This estimate assumes DDA would continue to provide these services and that an additional 72 children would be served annually (six per month, the number of existing requests DDA currently receives to provide these services) at a cost to DDA of \$1,000 per child as well as \$2,439

in contractual staff expenses. It also reflects 28% federal fund participation. Future years reflect annualization and a 4% increase in contractual expenses.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 579 (Senator Jacobs, *et al.*) – Judicial Proceedings.

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

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