

Department of Legislative Services

Maryland General Assembly

2007 Session

FISCAL AND POLICY NOTE

Senate Bill 178

(Senator Zirkin)

Judicial Proceedings

**Human Resources - Children in Out-of-Home Placements - Visits by Local
Departments**

This bill requires that, except as otherwise specified, if a child is committed to a local department of social services as a child in need of assistance (CINA) and is placed in Maryland, the local department must visit the child at the child's placement at least once a month.

Fiscal Summary

State Effect: Potential increase in general fund expenditures beginning in FY 2008. Some of the bill's visitation requirements codify existing regulations. No effect on revenues.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: If the child has been in the same kinship care or foster care home for more than one year and the local department determines that the placement is safe and stable for the child, the local department must visit the child at the child's placement at least once every three months.

Within 14 days after each required visit, the local department must certify in writing whether the placement continues to be safe and stable for the child. If the local

department does not provide this certification within 14 days after each visit, the local department must visit the child at least once a month.

Current Law: A CINA is a child who requires court intervention because: (1) the child was abused or neglected or has a developmental disability or a mental disorder; and (2) 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 a local department of social services, the Department of Health and Mental Hygiene, or both.

Background: The Department of Human Resources (DHR) advises that there are 10,215 children in an out-of-home placement living in Maryland. DHR further advises that approximately 300 of these children may require visitation after normal working hours.

By regulation, a local department of social services must ensure that, at a minimum, in a case committed to an out-of-home placement, the caseworker: (1) has monthly face-to-face contact with the parent, legal guardian, and any children remaining in the family home; (2) maintains contact with the child and out-of-home placement provider; and (3) has monthly contact with the out-of-home placement provider. The caseworker's contacts may be more frequent when, in the caseworker's judgment, it is appropriate to do so.

DHR regulations require that, for a child placed in a foster family home, in group care other than a residential treatment facility, or in a semi-independent living arrangement, the caseworker must visit the child at least once a month. Every three months, at least one of these visits must occur where the child lives. For a child placed in a residential facility in the State, the caseworker must contact the child on-site at least once every three months. For a child placed in an out-of-state residential treatment facility, the caseworker must visit the child at the facility at least once every six months.

State Expenditures: General fund expenditures could increase under this bill for caseworkers to visit a child placed in a particular kinship care or foster care home for one year or less. However, the Department of Legislative Services (DLS) cannot reliably estimate the magnitude of such an increase at this time.

DHR estimates that general fund expenditures could increase by \$900,000 in fiscal 2008 (\$1.2 million annually), which accounts for the bill's October 1, 2007 effective date. According to DHR, this estimate reflects the cost of paying 80 caseworkers in local departments of social services overtime to collectively visit an estimated 300 children in

out-of-home placements after normal working hours. Caseworkers would be paid \$25 per hour in overtime pay. DHR estimates that each visit would take two hours.

DLS disagrees with DHR's estimate. DHR did not provide a rationale for why 300 children would need to be visited after normal business hours monthly. Even if this were the case, DHR expenditures would be \$135,000 in fiscal 2008 (\$180,000 annualized), not \$900,000. Further, DLS disagrees that the increase would be in the magnitude of \$180,000 annually because for some children, especially those who are not enrolled in school, DHR caseworkers probably already visit the children where they live on a monthly basis.

Instead, DLS assumes that if a caseworker is expected to visit a child after normal business hours, then the caseworker could begin working that day two hours later than normal so the caseworker would not work more than an eight-hour day. For children who have been in the same kinship care or foster care home for more than one year, the local department must visit the child at the child's placement at least once every three months, which is the current practice under DHR regulations for children regardless of the length of time they are in a particular placement. Additionally, DLS assumes that if a local department were concerned about the safety and stability of a child's placement, the local department currently would visit the child at the child's placement.

For children whom DHR visits at schools, travel expenditures could increase if caseworkers who now are able to meet with multiple children at one school would have to visit each individual out-of-home placement. However, DHR did not provide any data regarding where caseworkers are currently visiting children in out-of-home placements.

Additional Information

Prior Introductions: HB 1345 of 2005 passed the House and had a hearing in the Senate Judicial Proceedings Committee, but no further action was taken.

Cross File: None.

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

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ncs/ljm

Analysis by: Lisa A. Daigle

Direct Inquiries to:
(410) 946-5510
(301) 970-5510