

**Department of Legislative Services
Maryland General Assembly
2008 Session**

FISCAL AND POLICY NOTE

House Bill 262

(Chair, Judiciary Committee) (By Request –
Departmental – Human Resources)

Judiciary

Child Abuse and Neglect - Child Welfare - Alternative Response

This departmental bill authorizes the Secretary of Human Resources to establish an alternative response system for selected reports of suspected child abuse or neglect. The Social Services Administration must develop a data collection process to assess the impact of alternative response in the areas of child safety, timeliness of response and service, coordination and provision of local human services, cost effectiveness, recordkeeping, and other significant related issues.

By October 1, 2012, the Department of Human Resources must report to the General Assembly on its preliminary assessment of alternative response and its recommendations for continuing alternative response.

Fiscal Summary

State Effect: Expenditures would increase by \$375,000 in FY 2009 (\$123,750 general funds/\$251,250 federal funds) for worker retraining, development of community-based family assistance programs, and an annual evaluation of the alternative response program. Future years reflect annualization and inflation. Revenues would not be affected.

(in dollars)	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	123,800	168,300	171,600	175,100	179,000
FF Expenditure	251,300	341,700	348,400	355,500	362,600
Net Effect	(\$375,100)	(\$510,000)	(\$520,000)	(\$530,600)	(\$541,600)

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

Local Effect: None.

Small Business Effect: DHR has determined that this bill will have minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Analysis

Bill Summary: The bill defines “alternative response” as the completion of a comprehensive assessment of child safety, the risk of subsequent child abuse or neglect, and family strengths and needs.

Local departments of social services (LDSS) must participate in the development of an alternative response. An alternative response may not include and may not be considered to be a determination about the occurrence of child abuse or neglect. If a report is not assigned for an alternative response, then it must be assigned for an investigation of suspected child abuse or neglect. Reports of suspected child abuse or neglect in the following areas may not be assigned for an alternative response: ● child sexual abuse; ● child neglect involving an unattended child under the age of two; ● child abuse involving corporal punishment against a child under the age of one; ● child abuse or neglect involving substantial child endangerment, resulting in death or serious physical or mental injury, occurring in an out-of-home setting or involving a person who was the subject of three or more reports of abuse or neglect documented in LDSS records.

A report assigned for alternative response may be reassigned for a suspected abuse or neglect investigation based on a reassessment of the report or relevant facts, a determination that substantial child endangerment or a serious threat to child safety exists, and a family’s refusal to cooperate with the alternative response. The refusal to cooperate may include the family’s refusal to release or authorize the release of information necessary for the alternative response, refusal to accept services that would decrease the risk of child abuse or neglect or impact child safety, an inability to complete the alternative response or a request by a family member for an investigation instead of an alternative response. The procedures established for investigations of suspected child abuse or neglect do not apply to a report assigned for alternative response. A report assigned for investigation may be reassigned for alternative response based on a reassessment of the report or relevant facts and a determination that accepted services would address the issues indicating risk of child abuse or neglect and child safety.

After an alternative response assignment, the LDSS must have a face-to-face contact with the child and the primary caregivers within five days and advise the appropriate law enforcement agency of any report of suspected child abuse assigned for an alternative response. After the initial contact, LDSS must inform the suspected abuser or neglector of the allegations in a manner that protects the reporter. An alternative response must be

completed within 60 days after receipt of the report. Within 10 days after the alternative response report, the LDSS must advise the family as to whether services are needed to address child and family member safety and the risk of subsequent child abuse or neglect.

LDSS must maintain all records related to an alternative response for up to five years and may not use or disclose those records to respond to a request for an employment or voluntary services background check. The LDSS must protect records related to an alternative response as provided by law and must maintain the complete records of services and related evaluations for at least five years.

Current Law: Promptly after receiving a report of suspected abuse of a child who lives in this State that is alleged to have occurred in the State, the LDSS or appropriate law enforcement agency, or both, if jointly agreed on, must make a thorough investigation. For a report of suspected neglect about a child who lives in this State that is alleged to have occurred in the State, the LDSS must make a through investigation of a report. Within 24 hours after a report of suspected child sexual or physical abuse and within five days after receiving a report of suspected neglect or mental injury, the LDSS or appropriate law enforcement agency must see the child, attempt to have an on-site interview with the child's caretaker, decide on the safety of the child and other children in the household, and decide on the safety of other children in the care or custody of the alleged abuser.

An investigation must include • a determination of the nature, extent and cause of abuse or neglect, if any; • if mental injury is suspected, an assessment by two of the following: a licensed physician, licensed psychologist, or licensed social worker; and • if abuse or neglect is verified, a determination of the identity of the person or persons responsible, a determination of the name, age, and condition of any other child in the household, an evaluation of the parents and the home environment, a determination of any other pertinent facts or matters, and a determination of any needed services.

Within 30 days after completion of an investigation of child abuse and neglect in which there is a finding of either indicated or unsubstantiated abuse or neglect, the local department must notify the individual alleged to have abused or neglected the child of the finding and the opportunity to appeal the finding, as specified in statute. If the finding is for indicated abuse or neglect, the individual must also be notified that he/she is subject to identification in a central registry of individuals responsible for abuse or neglect.

If the finding is for unsubstantiated abuse or neglect, an individual may request a conference with a supervisor in the LDSS by responding to the notice within 60 days. The individual has the right to review a summary of the conference and request a

contested case hearing, as provided by statute. A person who makes or participates in a report generally has immunity from civil liability, as provided in statute.

Except for identifying information, a central registry of individuals responsible for child abuse or neglect may not include information from the case file until the individual alleged responsible for abuse and neglect has been found guilty of criminal charges arising from the allegation of abuse or found responsible for neglect, has unsuccessfully appealed the finding, or has failed to exercise appeal rights. The authority of DHR to identify an individual in a central registry as responsible for abuse or neglect applies only to those individuals who have been found guilty of the criminal charge arising from the allegation of abuse or if the individual has been found responsible for the abuse or neglect and has unsuccessfully appealed the finding or failed to exercise appeal rights.

If child neglect or abuse continues, the State may petition to have the child declared a Child in Need of Assistance where the LDSS becomes guardian of the child until the child can be safely reunited with the family or placed in foster care. Continued instances of abuse or neglect by a parent could subject the parent to termination of parental rights.

Background: Pursuant to Chapter 632 of 2006, DHR was required to conduct a study of differential response to allegations of child abuse or neglect, develop a plan to implement and evaluate that system in the State, and recommend the statutory changes necessary for implementation. DHR was required to report by December 1, 2006 to the Governor and specified House and Senate committees on the findings and statutory recommendations. This bill would implement the statutory changes as proposed in the report on differential response. During the 2007 session, the budget chairmen requested DHR to develop a pilot program for differential response, limited to three jurisdictions, (see *Joint Chairmen's Report*, 2007 session, pp. 138-139). This bill, however, proposes implementation on a statewide basis. After submission of the report, DHR was directed to convene an implementation workgroup for a differential response pilot program, slated to begin in fiscal 2009. The workgroup began meeting in September 2007 and those meetings continue.

The Secretary of Human Resources also launched the "Place Matters" initiative to target additional resources to vulnerable families and reduce the number of children in foster care. The differential response plan, renamed "alternative response" by DHR, is intended to support the Place Matters initiative by engaging families in supportive services not found in a traditional child protective services investigation. A two-tier system for responding to child abuse and neglect allegations is contemplated.

Under alternative response, DHR would respond to allegations of child abuse or neglect based on the level of risk to the child. Reports of more severe abuse or neglect with

higher safety concerns would receive a traditional investigation. For low or no safety concerns, the alternative response system would be implemented. The assessment is intended to engage parents, extended family, and community partners in a less adversarial manner. Parents would have the opportunity to recognize problems and participate in services and needed supports. The focus would be on identifying the underlying conditions jeopardizing the child's safety and those family functional areas that need strengthening. Reports of abuse or neglect would not be substantiated, perpetrators would not be identified, and names would not be entered into the central registry.

DHR reports that the National Child Welfare Resource Center for Organizational Improvement is working with DHR to assess the availability and capacity of 96 child welfare services in each county and Baltimore City. Eight Eastern Shore counties, Baltimore County, and Baltimore City have completed their reviews. Remaining jurisdictions will complete their processes during calendar 2008.

In addition to proposing the two-tier response system contained in this bill, DHR also plans extensive training for all child welfare staff and community partners on effective assessment and service planning consistent with the new model. Training is slated to begin as soon as the bill is enacted into law, if that occurs. Statewide implementation is expected to begin on January 1, 2009. DHR also plans a four-year evaluation of the effectiveness of the two-tier system.

The Child Welfare League of America released a report in November 2006 entitled, *National Study on Differential Response in Child Welfare*. Information on the implementation of alternative response in 15 states was included. According to the Child Welfare League, all states report that the safety of children did not diminish with the change from the investigative model to the alternative response model. Worker and family satisfaction regarding agency involvement also improved, with the likelihood of reductions in future abuse and neglect, increasing the ability of children to remain safely with their families. For example, in Minnesota, a four-year evaluation found lower rates of re-reporting of suspected abuse or neglect when an alternative response model was employed compared to similar cases under investigation.

State Expenditures: State expenditures could increase by \$375,000 in fiscal 2009 (\$123,750 general funds/\$251,250 federal funds) accounting for the bill's October 1 effective date. Annualized expenditures of \$500,000 (\$165,000 general funds/\$335,000 federal funds) are anticipated for this initiative, with 67% of the funding to come from the federal government and 33% from State general funds. Out-year estimates include inflation. DHR plans to allocate \$200,000 of the funding annually for an evaluation of the alternative response program by an independent entity. Preliminary inquiries made to the University of Maryland indicate that a detailed evaluation of the effectiveness of the

alternative response program would cost about \$200,000 annually. Remaining funding (about \$300,000 annually) would be dispensed to LDSS for worker retraining, the purchase of community-based services, and to encourage providers to initiate or expand family service programs. Under full implementation, each of the 24 LDSS would receive at least \$8,000 and the larger jurisdictions would divide \$108,000 based on their caseload of ongoing in-home services.

The underlying assumption is that this bill would not cause the workload of DHR to increase. The proposed alternative response program would enable DHR to take a subset of its existing caseload and offer services rather than the traditional intervention with elements similar to a criminal investigation. However, DLS advises that the attempt to provide more family-oriented services and assistance could require more resources over a longer term than a traditional investigation. This fiscal estimate is based on the premise that DHR will be successful in partnering with community service providers to assist those families that are assigned to the program. If those service providers are unable or unwilling to provide these additional services, it seems that DHR would have to find other avenues to provide the needed assistance to these families, which could involve additional staffing and other resources as the alternative response program develops.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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