

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE
Revised

House Bill 683
Judiciary

(Delegate Ivey, *et al.*)

Judicial Proceedings

Post Adoption Support Services Pilot Program

This bill expands the eligibility for post adoption support services provided under the Post Adoption Support Services Pilot Program to all adoptions in the State. The bill repeals a requirement for a local department of social services (LDSS), at the request of an adoptive parent, to conduct a *clinical* assessment of the needs of the adopted child and adoptive family. The bill also specifies that one purpose of the pilot program is to ensure that funds are allocated for adopted children.

The termination date of the Post Adoption Support Services Pilot Program is extended until December 31, 2010. The date by which the Secretary of Human Resources must submit a report to the General Assembly on the progress of the program is extended to December 1, 2010.

This bill takes effect July 1, 2009.

Fiscal Summary

State Effect: None. The bill primarily alters the purposes for which existing State funds within the Department of Human Resources (DHR) may be used in FY 2010 and 2011.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The bill specifies that in order to ensure the equitable distribution of funds allocated for the program, DHR:

- must allow the delivery of post adoption support services to at least 125 families and may award up to \$2,000 to each family;
- must dedicate 80% of the funds to families of children adopted through local departments and 20% of the funds to remaining adoptive families; and
- after October 31, 2009, but before November 30, 2009, must evaluate the distribution of funds as set forth above, and may reallocate funds if necessary to achieve an equitable distribution.

Current Law: Chapter 444 of 2007 established a pilot program within DHR to provide post adoption support services to adopted children and their families and to provide additional State funds for adopted children. “Post adoption support services” means medical treatment, mental health services, parenting classes, or other direct services provided by DHR after a child is adopted that aid the adopted child or adoptive family and assist in preventing the child from being returned to the care and supervision of DHR.

An adopted child or adoptive family is eligible for post adoption support services if the adoption was without prior termination of parental rights and was ordered by a juvenile court. A juvenile court may enter an order for a child’s adoption without prior termination of parental rights only if:

- both of the child’s parents are deceased; a state or other jurisdiction has granted a governmental unit or person other than the parent the power to consent to the adoption and consent is given; parental rights have been terminated on the order of another state or other jurisdiction; or if certain conditions are met when one parent consents to the adoption and the other parent does not consent;
- the LDSS director with custody of the child consents; and
- the child is represented by an attorney and the child either consents, if old enough to do so (at least 10 years old), or does not object.

By December 1, 2009, the Secretary of Human Resources must report to the General Assembly on the number of adopted children and adoptive families served by the

program, the number of adopted children and adoptive families who applied for services, the types of services provided, and the effectiveness of those services.

Background: DHR advises that no services have been delivered since the pilot program became effective. The removal of the requirement for a “clinical” assessment will expedite service delivery.

State Fiscal Effect: The bill primarily alters the purposes for which existing DHR funding may be used by expanding eligibility for post-adoption services under an existing pilot program to include all adoptions. The bill extends the existing pilot program by one year and continues to limit by legislative intent the amount of funds that may be redirected to the pilot program to not more than \$250,000 from any fund source per fiscal year. As the bill will take effect in fiscal 2010 and terminate after the first six months of fiscal 2011, up to \$250,000 could be redirected to the pilot program in both fiscal 2010 and 2011. This assumes that the intent is that only \$250,000 be used to implement the bill each year. If the bill is interpreted to mean \$250,000 from each available fund source, then as much as \$750,000 could be redirected to the pilot program (general funds, federal funds, special funds).

DHR advises it will most likely redirect general funds from its flex funds that are currently used to provide emergency financial assistance to families facing problems that may result in the breakdown of the family unit. DHR indicates that approximately \$10 million is budgeted annually for flex funds which are allocated to all jurisdictions. LDSSs are given flexibility in determining how to spend the funds based on clients’ needs; the entire allotment is spent annually by LDSSs. As a result, clients who would otherwise be served through flex funds will no longer be served as a portion of the allotment may instead be reserved for services for adopted children or adoptive families.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History:
ncs/hlb

First Reader - February 24, 2009
Revised - House Third Reader - March 26, 2009

Analysis by: Jennifer K. Botts

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