

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1337

(Delegate Branch)

Judiciary

Judicial Proceedings

**Family Law - State Citizens Review Board for Children and Local Boards of
Review - Duties**

The bill alters existing duties of the State Citizens Review Board for Children (CRBC) and local boards of review.

The bill takes effect July 1, 2009.

Fiscal Summary

State Effect: Reduction in general/federal fund expenditures for salary costs associated with the CRBC and local boards of review due to the reduction in case reviews required under the bill's provisions. Expenditures decrease by \$390,000 in FY 2010 and \$520,000 annually beginning in FY 2011.

(in dollars)	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	(156,000)	(208,000)	(208,000)	(208,000)	(208,000)
FF Expenditure	(234,000)	(312,000)	(312,000)	(312,000)	(312,000)
Net Effect	\$390,000	\$520,000	\$520,000	\$520,000	\$520,000

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

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

Small Business Effect: None.

Analysis

Bill Summary: CRBC must tabulate and analyze the results of all case reviews, both on a jurisdictional and a statewide basis, and submit the results and findings to the Department of Human Resources (DHR) on a quarterly basis.

The bill repeals a requirement for CRBC or its designee to report its findings and recommendations or the findings and recommendations of the local citizen review panel, if any, and the local boards at in-person or electronic community forums. Instead, CRBC must continue to provide for public outreach and comment and must make available to the public systemic findings and recommendations of CRBC, the local citizen review panel, if any, and the local boards.

The bill repeals certain requirements for local boards reviewing children in out-of-home care in accordance with regulations adopted by CRBC and DHR. The regulations must require that the local boards review cases based on priorities agreed upon by DHR and CRBC as stated in a memorandum of agreement.

Local boards are required to report on the following when reporting to the juvenile court and the local department of social services on each minor child whose case is reviewed:

- identification of barriers to achieve timely permanency;
- whether the child is receiving appropriate services to achieve the stated permanency goal; and
- any reasonable efforts made towards promoting the child's relationship with individuals who will play a lasting, supporting role in the child's life.

A provision is also repealed that authorized local boards case reviews to include questions designed to meet certain quality assessment goals for casework services.

Current Law: CRBC must (1) examine the policies, procedures, and practices of State and local agencies; and (2) by reviewing specific cases, 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.

The review of specific cases must include questions designed to meet the quality assessment goals for casework services. The board must tabulate the case review results and submit the results for review as part of the LDSS self-assessment process.

The State board or its designee, must hold in-person or electronic community forums that facilitate 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 State board is charged with avoiding duplication of effort by coordinating its activities with the State Council on Abuse and Neglect, the State Child Fatality Review Team, local child fatality review teams, and local citizens review panels. The State board must annually report on its activities, findings, and recommendations as specified.

Local boards must review children in out-of-home care in accordance with regulations adopted by CRBC and the Secretary of Human Resources. The regulations 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.

A local board must provide a written report on each minor child whose case was reviewed to the juvenile court and the LDSS. The 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 needs.

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.

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 may include questions designed to meet the quality assessment goals for casework services. The State board must tabulate the case review results and submit those results for consideration as part of the LDSS self-assessment process.

Background: CRBC reviews and coordinates the activities of the local review boards and reviews policy issues, procedures, legislation, resources, and barriers relating to out-of-home placement and the establishment of permanency for children. CRBC includes one member from each of the seven judicial circuits and three members from the Baltimore City circuit elected from the local review boards. The Governor appoints the eleventh member of the board. Members do not receive compensation.

There must be at least one local board of review in each county. Instead of a local board in each county, two or more counties may agree to establish a single multicounty local board. Members of local boards of review may not receive compensation.

It is estimated that local boards will review 4,800 cases in fiscal 2009 and 2010.

State and Local Fiscal Effect: The bill limits the case reviews that are required by CRBC and local boards of review. DHR anticipates that the bill reduces the volume of cases reviewed by as much as 50%. Accordingly, current salary expenditures for costs associated with CRBC and local boards of review are reduced. Information from DHR is not available at this time as to the actual positions that may be eliminated. In fiscal 2008, salary expenditures associated with CRBC and local boards of review totaled \$1.3 million. Assuming a conservative estimate of a 40% reduction in salary expenditures, total expenditures decrease by \$390,000 in fiscal 2010, accounting from a 90-day start-up delay for the bill's July 1, 2009 effective date, and by \$520,000 annually beginning in fiscal 2011. Of these savings, 60% are federal funds and 40% are general funds.

Montgomery County advises that its local department may require additional staff due to the tabulation required under this bill. The county indicates that there is limited staff support for the boards now and most boards do not have the resources to complete the tabulations and review trends. Although the local jurisdictions are responsible for providing information, the bill requires CRBC to do the actual tabulation and analysis. DHR further advises that much of the information required in the tabulation is already gathered by the local jurisdictions and standard forms will be developed and distributed to facilitate the tabulation process.

Additional Information

Prior Introductions: None.

Cross File: SB 933 (Senator Kelley) - Judicial Proceedings.

Information Source(s): Baltimore City, Department of Human Resources, Judiciary (Administrative Office of the Courts), Montgomery County, Department of Legislative Services

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