

Department of Legislative Services
 Maryland General Assembly
 2011 Session

FISCAL AND POLICY NOTE

House Bill 137 (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, instead of a traditional investigation, 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, 2014, the Department of Human Resources (DHR) must report to the General Assembly on its preliminary assessment of alternative response and its recommendations for continuing the alternative response program.

Fiscal Summary

State Effect: State expenditures increase by \$150,000 (\$60,000 general funds/\$90,000 federal funds) in FY 2012 only, for computer programming changes and outside evaluation of the program. Training and enforcement can be provided with existing resources.

(in dollars)	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	60,000	0	0	0	0
FF Expenditure	90,000	0	0	0	0
Net Effect	(\$150,000)	\$0	\$0	\$0	\$0

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

Local Effect: Enforcement can be provided with existing resources.

Small Business Effect: The Department of Human Resources has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Analysis

Bill Summary: “Alternative Response” means a comprehensive assessment of child safety, risk of subsequent child abuse or neglect, and family strengths and needs and the provision of, or referral for, needed services. An alternative response may not include and may not be considered a finding or determination as to whether child abuse or neglect occurred. Reports that are not assigned for an alternative response must be assigned for immediate investigation in accordance with existing statutory provisions. Unless otherwise specified, the statutory procedures required for investigations do not apply to reports assigned for an alternative response.

The following reports of suspected child abuse or neglect may not be assigned for an alternative response:

- child sexual abuse;
- child neglect in which a child younger than age two has been left unattended;
- child abuse in which a child younger than age one has been subjected to corporal punishment; and
- child abuse or neglect (1) involving substantial child endangerment; (2) resulting in death or serious physical or mental injury; (3) occurring in an out-of-home setting; or (4) if, in the previous three years, the individual suspected of child abuse or neglect has been the subject of three or more reports documented in local department records.

A report assigned for an alternative response may be reassigned for an immediate investigation at any time based on factors including (1) a reassessment of the report or relevant facts; (2) a determination that the case satisfies specified criteria, or (3) a family’s refusal to cooperate. A family’s refusal to cooperate may include refusal to provide or authorize the release of necessary information, refusal to accept services that would decrease the risk of child abuse or neglect or have an impact on child safety, an inability to complete the alternative response, or a request by a family member for an immediate investigation rather than the alternative response.

A report assigned for immediate investigation may be reassigned for an alternative response at any time based on factors including a reassessment of the report or relevant

facts and a determination that services accepted by the family would address all issues of risk of child abuse or neglect and child safety.

When a case is referred for an alternative response, the local department must have face-to-face contact with the child and the child's primary caretaker within five days after receiving the report and advise the appropriate law enforcement agency that the report has been assigned for an alternative response. At the initial contact, the local department must inform the suspected child abuser or neglecter of the allegations made against the individual in a manner consistent with laws protecting the rights of the person that made the report. The local department must complete an alternative response within 60 days after the receipt of the report. Within 10 days after completing the alternative response, the local department must advise the family as to whether and what services are needed to address the safety of the child and other family members and the risk of subsequent child abuse or neglect.

The local department must maintain complete records related to an alternative response for not more than five years after the report was received. The local department may not use or disclose records related to an alternative response to respond to a request for background information for employment or volunteer services and must protect the records from disclosure in accordance with statutory provisions.

Current Law: After receiving a report of suspected abuse or neglect of a child who lives in Maryland that is alleged to have occurred in the State, the local department and/or the appropriate law enforcement agency must promptly investigate the report to protect the health, safety, and welfare of the child or children. Within 24 hours after receiving a report of suspected physical or sexual child abuse and within 5 days after receiving a report of suspected child neglect or mental injury that occurred in Maryland to a child who lives in the State, the local department or law enforcement agency must (1) see the child; (2) attempt to have an on-site interview with the child's caretaker; (3) decide on the safety of the child and of other children in the household; and (4) decide on the safety of the other children in the care or custody of the alleged abuser. The determinations and assessments that are required during an abuse or neglect investigation are specified in statute.

The local State's Attorney must assist in a child abuse or neglect investigation if requested to do so by a local department. The local departments, appropriate law enforcement agencies, the State's Attorneys in the counties and Baltimore City, and the local health officers must enter into a written agreement pertaining to standard operating procedures for investigations of suspected abuse. A joint investigation procedure must be implemented for conducting investigations of sexual abuse, which must include techniques for expediting validation of sexual abuse complaints and other techniques to decrease trauma to the child.

To the extent possible, a child abuse or neglect investigation must be completed within 10 days after receiving the notice of the suspected abuse or neglect. Within 10 days after receiving the first notice of suspected abuse or neglect of a child who lives in Maryland and was allegedly abused in the State, the local department or law enforcement agency must report the preliminary investigation findings to the local State's Attorney. Within five business days after the investigation is completed, the local department and the law enforcement agency, if the law enforcement agency participated in the investigation, must make a complete written report of its findings to the local State's Attorney.

Background: According to DHR, an "alternative response" program is an intervention different from a traditional child protective services investigation. Allegations referred for an alternative response refer to substantially lower concerns for a child's safety compared to the concerns requiring a traditional investigation. An alternative response program provides assessment and refers families to supportive services rather than an investigation. Under this program, reports of abuse and neglect are not to be "substantiated," perpetrators are not to be "identified," and names are not to be entered into the central registry. Instead, assessment of the capacity to parent replaces the adversarial intervention in which determining who is responsible for alleged abuse or neglect is a primary mission. Parents are allowed to participate in services to address their needs (unless otherwise mandated by a court). The program is intended to support the DHR "Place Matters" initiative which allocates resources to vulnerable families to reduce the number of children entering foster care.

DHR reports that alternative response programs exist in at least 23 states. In 2006, the Child Welfare League of America released a report entitled "*National Study on Differential Response in Child Welfare.*" The report contained information on 15 states that employed an alternative response program either statewide or in local jurisdictions. The U.S. Department of Health and Human Services followed up that research with a report in 2008 titled "*Differential Response to Reports of Child Abuse and Neglect.*" According to DHR, both the 2006 and 2008 documents reported positive results that led to increased safety for children and a higher number of children that could safely remain 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. In 2009, the U.S. Department of Health and Human Services established the National Quality Improvement Center on Differential Response in Child Protective Services to conduct and support research on differential response models.

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. 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). 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. Meanwhile, HB 262 of 2008 proposed implementation of an alternative response program on a statewide basis. The bill received an unfavorable report from the House Judiciary Committee. DHR states that this was due, in part, to questions raised by child advocates about the fiscal and administrative ability of DHR to implement a major overhaul of child protective services. In August 2009, DHR convened a workgroup including representatives from academia, the courts, law enforcement, health and community service providers, child advocates, and social services professionals. DHR reports that a "Family Centered Practice" approach has also been implemented which includes structured decision making for child protective services screening decisions.

State Expenditures: State expenditures increase by \$150,000 (\$60,000 general funds/\$90,000 federal funds) in fiscal 2012 only, and accounting for the bill's October 1, 2012 effective date. DHR anticipates that 60% of the funding for this program will come from the federal government and 40% from State general funds. Of the funds, \$100,000 is needed to make modifications to the Maryland CHESIE automated system and \$50,000 is needed to finance an evaluation of the alternative response program, conducted by an outside consultant. DHR advises that any additional training needed for the program can be provided with existing resources.

It is anticipated that any enforcement provided by the Department of State Police can be handled with existing resources.

Additional Information

Prior Introductions: HB 262 of 2008, a similar bill, received an unfavorable report from the House Judiciary Committee.

Cross File: None.

Information Source(s): Charles, Frederick, and Montgomery counties; Department of Human Resources; Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - February 8, 2011
ncs/hlb

Analysis by: Karen D. Morgan

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

ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Child Abuse and Neglect – Child Welfare – Alternative Response

BILL NUMBER: HB 137

PREPARED BY: Department of Human Resources

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.