

**Department of Legislative Services**  
 Maryland General Assembly  
 2012 Session

**FISCAL AND POLICY NOTE**  
**Revised**

House Bill 834 (Chair, Judiciary Committee)(By Request - Departmental  
 - Human Resources)

Judiciary

Judicial Proceedings

**Child Abuse and Neglect - 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 abuse or neglect. The Department of Human Resources (DHR) 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, DHR must report to the Governor and the General Assembly on its preliminary assessment of alternative response and its recommendations for continuing the alternative response program. A final report on the alternative response program must be submitted by October 1, 2015.

The bill takes effect July 1, 2012; however, DHR may not begin actual implementation of alternative response in local departments of social services before July 1, 2013.

**Fiscal Summary**

**State Effect:** State expenditures increase by \$150,000 (\$60,000 general funds/\$90,000 federal funds) in FY 2013 only, for computer programming changes and outside evaluation of the program. Training and enforcement can be provided with existing resources. Revenues are not affected.

(in dollars)	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
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 handled with existing resources.

**Small Business Effect:** DHR has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

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## Analysis

**Bill Summary:** “Alternative Response” means a component of the child protective services program that provides for a comprehensive assessment of (1) risk of harm to the child; (2) risk of subsequent child abuse or neglect; (3) family strengths and needs; and (4) the provision of or referral for necessary services. An alternative response does not include an investigation or a formal determination as to whether child abuse or neglect has occurred. Only a low-risk report of abuse or neglect may be considered for an alternative response. Reports that are not assigned for an alternative response must be assigned for investigation in accordance with existing statutory provisions.

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

- sexual abuse;
- abuse or neglect (1) occurring in an out-of-home placement; (2) resulting in death or serious physical or mental injury; (3) if, in the previous three years, the individual suspected of abuse or neglect has been identified as responsible for abuse or neglect as documented in local department records; or (4) if the individual suspected of abuse or neglect has had one report assigned for an alternative response within the past 12 months or two reports assigned for an alternative response within the past 24 months.

A report assigned for an alternative response may be reassigned for an immediate investigation at any time based on any of the following factors or circumstances: (1) a reassessment of the report or relevant facts; (2) a determination that the case satisfies specified criteria; or (3) a family’s inability or refusal to participate in the alternative response assessment.

A report assigned for investigation may be reassigned for an alternative response at any time based on (1) a reassessment of the report or relevant facts that demonstrates that the case meets the criteria for an alternative response; (2) a determination that services accepted by the family would address all issues of risk of abuse or neglect and child safety; and (3) approval by a caseworker supervisor.

When a report is referred for an alternative response, the local department must (1) see the child and the child's parent or primary caretaker within 24 hours after receiving a report of physical abuse and within five days of receiving a report of neglect; (2) attempt to have an on-site interview with the child's parent or primary caretaker; (3) evaluate the child's home environment; (4) decide on the safety of the child, wherever the child is, and of other children in the household; (5) decide on the safety of other children in the care or custody of the individual suspected of abuse or neglect; (6) advise the appropriate law enforcement agency that the report has been assigned for an alternative response, if the law enforcement agency made the report of abuse or neglect; (7) 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; (8) complete an alternative response assessment within 60 days after the receipt of the report; and (9) within 10 days after completing the alternative response assessment, provide a written report to the family members who are participating in the alternative response assessment as to whether and what services are needed to address the safety of the child or other household children and the risk of subsequent abuse or neglect.

Consistent with the assessment and any safety or services plans, the local department must also (1) render any appropriate services in the best interests of the child; (2) refer the family or child for additional services; or (3) as necessary for the safety of the child or other household children, establish a plan to monitor the safety plan and the provision or completion of appropriate services.

The local department must maintain complete records related to an alternative response for three years after the report was received if there is no subsequent child welfare involvement. 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. The local department must also expunge complete records related to an alternative response and services if there is no subsequent child welfare involvement after three years.

DHR must convene a multidisciplinary alternative response advisory council to advise the department on (1) the development of the alternative response implementation plan, which may include a pilot program; (2) oversight and monitoring of the alternative response implementation plan; (3) consulting with local citizens review panels, local services affiliates, and other local partners for feedback and recommendations on the alternative response implementation plan; (4) defining the scope of the independent evaluation of the implementation of the alternative response program; and (5) defining the scope of the ongoing evaluation of the alternative response program. The bill specifies membership of the advisory council, which is to be chaired by the Secretary of Human Resources, or the Secretary's designee.

DHR must also contract with an independent agency to conduct an evaluation of the alternative response program. The independent agency may not receive funding from any State agency other than the compensation under the evaluation contract.

**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 of social services 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 five days after receiving a report of suspected child neglect or mental injury, 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 of social services. 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 or neglect. 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, the local department of social services 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 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 represent 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 initiating 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, including Delaware, New York, and Virginia, as well as the District of Columbia. 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 2008 report 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 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. 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 2013 only. Of the funds, \$100,000 is needed to make modifications to the Maryland CHESSIE automated system and \$50,000 is needed to finance an evaluation of the alternative response program to be conducted by an outside consultant. DHR advises that any additional staff training needed for the program can be provided with existing resources.

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### **Additional Information**

**Prior Introductions:** HB 137 of 2011, a similar bill, received an unfavorable report from the House Judiciary Committee. HB 262 of 2008, a similar bill, received an unfavorable report from the House Judiciary Committee.

**Cross File:** None.

**Information Source(s):** Department of Human Resources, Department of State Police, State's Attorneys' Association, Baltimore City, Harford County, Department of Legislative Services

**Fiscal Note History:** First Reader - March 6, 2012  
mc/mwc Revised - House Third Reader - April 2, 2012  
Revised - Enrolled Bill - May 15, 2012

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## ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

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

BILL NUMBER: HB 834

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.