

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

Senate Bill 77

(Chair, Judicial Proceedings Committee)(By Request -
Departmental - Human Resources)

Judicial Proceedings

Judiciary

Human Resources - Transition Planning for Foster Youth

This departmental bill alters, from age 16 to at least age 14, the age at which a juvenile court at a permanency planning hearing must determine the services needed to assist the child to transition from placement to successful adulthood. The bill also requires a juvenile court at each guardianship review hearing for a child at least age 14, to determine the services needed to assist the child to make the transition from placement to successful adulthood. The bill replaces former references to “independent living” with “successful adulthood.” By January 1, 2017, the Department of Human Resources (DHR) must adopt regulations to define the term “successful adulthood” to conform with the provisions of the federal Preventing Sex Trafficking and Strengthening Families Act.

The bill takes effect June 1, 2016.

Fiscal Summary

State Effect: The Judiciary and DHR can handle the bill’s requirements using existing resources. In addition, the bill may protect Title IV-E funding by ensuring that Maryland law conforms to federal guidelines.

Local Effect: The circuit courts can handle the bill’s requirements using existing resources.

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

Analysis

Current Law: A child in need of assistance is a child who requires court intervention because (1) the child has been abused or neglected or has a developmental disability or a mental disorder and (2) the child's parents, guardian, or custodian are unable or unwilling to provide proper care and attention to the child.

The juvenile court must hold a permanency planning hearing to determine the permanency plan for a child no later than 11 months after a child enters an out-of-home placement or within 30 days after the court finds that reasonable efforts to reunify a child with the child's parent or guardian are not required based on a finding of specified circumstances. At the hearing, the court must determine the child's permanency plan based on statutory factors and, for a child who is at least age 16, determine the services needed to assist the child to make the transition from placement to independent living.

The juvenile court must conduct an initial guardianship review hearing no later than 180 days after issuing an order granting guardianship of a child. The juvenile court must hold a guardianship review hearing at least once each year after the initial hearing until the juvenile court's jurisdiction terminates. At each guardianship review hearing for a child, the juvenile court must (1) evaluate the child's safety and act as needed to protect the child; (2) consider the written report of a local out-of-home placement board; (3) determine the extent of compliance with the permanency plan; (4) make a specific factual finding on whether reasonable efforts have been made to finalize the child's permanency plan and document the finding; (5) subject to provisions regarding emergency hearings, change the permanency plan if doing so would be in the child's best interests; (6) project a reasonable date by which the permanency plan will be finalized; (7) enter any order that it finds appropriate to implement the permanency plan; and (8) take all other action that the juvenile court considers to be in the child's best interest.

Local boards of review are responsible for reviewing children in out-of-home care based on priorities agreed upon by DHR and the State Citizens Review Board for Children. Local boards must make a written report to the juvenile court and the local department of social services on each minor child whose case is reviewed. The report must include numerous specified findings and recommendations, where applicable, including any reasonable efforts made toward a permanent placement and preparing the child for independent living.

Background: The federal Preventing Sex Trafficking and Strengthening Families Act of 2014 requires in part for all state Title IV-E foster care programs to determine at permanency hearings the necessary services to help youth in foster care make the transition to successful adulthood beginning at age 14. DHR advises that it received notice in August 2015 that it was being placed on a performance improvement plan until State law is amended to alter the age at which these assessments are made from 16 to 14. Changing

references from “independent living” to “successful adulthood” also conform to provisions of the federal law.

Since 2009, DHR has provided transitional youth services known as “Ready by 21 Services” to all youth in foster care beginning at age 14 regardless of the youth’s permanency plan or living arrangement. The goal of the services is to assist youth in the successful transition from foster care to adulthood. Through the services, all youth in foster care who are ages 14 to 21 receive ongoing age and developmentally appropriate living skills trainings, annual life skills assessments, and a formal transition plan. The plan, developed with the youth and the local department of social services staff, outlines the goals for the youth and the associated responsibilities assigned to both the youth and the caseworker. Core strategies of Ready by 21 Services are (1) stable housing; (2) education; (3) health care; (4) mentors; and (5) financial stability.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - January 22, 2016
kb/kdm Revised - Enrolled Bill - April 22, 2016

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Department of Human Resources – Transition Planning for Foster Youth

BILL NUMBER: SB 77

PREPARED BY: Maryland Department of Human Resources
(Dept./Agency)

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