

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 1043

(Senator Hough)

Judicial Proceedings

Judiciary

Children in Need of Assistance - Qualified Residential Treatment Programs
(Family First Prevention Services Act)

This bill requires a juvenile court to conduct a hearing to review the status of a child placed in a “qualified residential treatment program” and determine the appropriateness of placement within 60 days after the child enters the placement. The juvenile court must make related determinations at a permanency plan review hearing. The court must state, in writing, the reasons for its decision to approve or disapprove the continued placement of a child in a qualified residential treatment program.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect the finances or workload of the Judiciary. In addition, the bill may help the State retain Title IV-E federal funding by ensuring that Maryland law conforms to federal guidelines.

Local Effect: The bill is not anticipated to materially affect the finances or workload of the circuit courts.

Small Business Effect: None.

Analysis

Bill Summary: A “qualified residential treatment program” is a program within a licensed child care institution that provides continuous, 24-hour care and supportive services to children in a residential, nonfamily home setting that (1) has a trauma-informed treatment model that is designed to address the clinical and other needs of children with serious emotional or behavioral disorders or disturbances; (2) is able to implement the specific

treatment recommended in an assessment completed by a qualified individual; (3) has registered or licensed nursing staff and other licensed clinical staff who meet specified requirements; (4) appropriately facilitates outreach to family members and integrates the family members into the treatment of the children; and (5) is able to provide discharge planning, as specified.

Within 60 days after a child is placed in a qualified residential treatment program, the court must conduct a hearing and (1) review the assessment of the child conducted by a qualified individual; (2) consider whether the needs of the child can be met through placement in a foster family home; (3) consider whether placement of the child in a qualified residential treatment program provides the most effective and appropriate care for the child in the least restrictive environment; and (4) consider whether placement of the child in a qualified residential treatment program is consistent with the short-term and long-term goals for the child as specified in the permanency plan.

At a hearing to review the child's permanency plan, the court must (1) determine whether the ongoing needs assessments of the child support continued placement of the child in a qualified residential treatment program; (2) determine whether placement in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment; and (3) determine whether the continued placement in a qualified residential treatment program is consistent with the short-term and long-term goals for the child as specified in the permanency plan.

Current Law/Background: A child in need of assistance (CINA) 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 conduct a hearing to review the status of each child under its jurisdiction within six months after the filing of the first CINA petition and at least every six months thereafter. At a review hearing, the court must take specified actions, including evaluating the safety of the child and determining the continuing necessity for and appropriateness of any out-of-home placement.

The juvenile court must also conduct a hearing to review the permanency plan of a child at least every six months until commitment is rescinded or a voluntary placement is terminated. Statutory provisions require numerous actions by the court at the review hearing, including (1) determining the continuing necessity for and appropriateness of the commitment; (2) determining the extent of progress that has been made toward alleviating or mitigating the causes necessitating commitment; and (3) changing the permanency plan if such change would be in the child's best interest.

Background: The federal Family First Prevention Services Act of 2018 made numerous changes to the foster care program and permitted uses of Title IV-E funds. The Act aims to increase the use of family foster care homes and reduce the use of group care for children in out-of-home placements. It also establishes requirements for qualified residential treatment programs that the State intends to use for such placements. The bill aligns with federal requirements for the juvenile court to review placements in qualified residential treatment programs according to specified timeframes.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Human Services; Department of Juvenile Services; National Conference of State Legislatures; Department of Legislative Services

Fiscal Note History: First Reader - March 15, 2019
mm/kdm Third Reader - April 3, 2019

Analysis by: Jennifer K. Botts

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