

**Department of Legislative Services**  
 Maryland General Assembly  
 2013 Session

**FISCAL AND POLICY NOTE**

Senate Bill 86

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

Judicial Proceedings

**Voluntary Placement for Former Children in Need of Assistance**

This departmental bill expands the jurisdiction of the juvenile court to include jurisdiction over a former child in need of assistance (CINA) who meets specified requirements. The bill alters the definition of “voluntary placement” to include out-of-home placements of former CINAs and authorizes a local department of social services and a former CINA to enter into a voluntary placement agreement. Current requirements for voluntary placement agreements and petitions are extended to apply to those regarding former CINAs. The bill also establishes requirements for juvenile courts when making dispositions on voluntary placement petitions for former CINAs. The Department of Human Resources (DHR) must establish a program of out-of-home placement for former CINAs.

**Fiscal Summary**

**State Effect:** Federal fund revenues increase by an estimated \$157,500 in FY 2014 and by \$420,000 annually thereafter due to increased eligibility for certain federal grants. DHR and the Judiciary can handle the bill’s requirements using existing resources.

(in dollars)	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
FF Revenue	\$157,500	\$420,000	\$420,000	\$420,000	\$420,000
Expenditure	0	0	0	0	0
Net Effect	\$157,500	\$420,000	\$420,000	\$420,000	\$420,000

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

**Local Effect:** The circuit courts can handle any additional hearings required under the bill 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.

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## **Analysis**

**Bill Summary:** The juvenile court has jurisdiction over a former CINA whose commitment to the local department was terminated after the individual reached the age of 18, but before the individual reached the age of 20 years and 6 months. The former CINA also must not have exited foster care due to reunification, adoption, guardianship, marriage, or military duty.

A petition for a former CINA must be filed in the county where the former CINA's commitment to the local department was terminated. In making a disposition on a voluntary placement petition for a former CINA, the court must (1) order the former CINA's voluntary placement to continue if the local department and the former CINA continue to agree to the voluntary placement or (2) order the voluntary placement to be terminated and terminate the local department's placement and care responsibilities for the former CINA.

A local department may not seek legal custody of a former CINA under a voluntary placement agreement. A former CINA may remain in an out-of-home placement under a voluntary placement agreement for more than 180 days if the former CINA continues to comply with the voluntary placement agreement and a juvenile court makes a finding that the continuation of the placement is in the former CINA's best interests.

DHR must adopt regulations that include eligibility requirements in accordance with federal law and regulations for providing assistance to individuals at least 18 years old.

**Current Law:** A juvenile court has jurisdiction over CINA cases only if the alleged CINA or child in a voluntary placement is younger than age 18 when the petition is filed. Once jurisdiction is obtained, it continues in that case until the child reaches age 21, unless the court terminates the case. After the court terminates jurisdiction, a custody order issued by the court in a CINA case remains in effect and may be revised or superseded only by another court of competent jurisdiction.

A voluntary placement petition must allege that continuation of a voluntary placement is in the best interests of the child and must set forth the facts supporting that allegation. A voluntary placement agreement must specify, at a minimum, the legal status of the child

and the rights and obligations of the parent or legal guardian, the child, and the local department while the child is in placement.

Within 30 days after a voluntary placement petition is filed, the court must hold a hearing and make findings as to whether continuation of the placement is in the child's best interests and whether reasonable efforts have been made to reunify the child with the family or place the child in a timely manner in accordance with the child's permanency plan.

DHR is required to establish a program of out-of-home placement for minor children (1) who are placed in the custody of a local department, for a period of up to 180 days, by a parent or legal guardian under a voluntary placement agreement; (2) who are abused, abandoned, neglected, or dependent, if a juvenile court has determined that continued residence in the child's home is contrary to the child's welfare and has committed the child to the custody or guardianship of a local department; or (3) who, with the approval of DHR, are placed in an out-of-home placement by a local department under a voluntary placement agreement regarding a child with a developmental disability or a mental illness, as specified. Out-of-home placements are placements of a child into foster care, kinship care, group care, or residential treatment care.

**Background:** DHR permits youth who left foster care prior to age 21 to re-enter the child welfare system through its "Enhanced After Care" program. This program provides youth with services including assistance with living arrangements. These youth are not considered to be in the foster care system because State law does not allow local departments of social services to file a voluntary placement petition once a child is older than age 18. This bill is intended to allow the State to become eligible for Title IV-E funds to further support the program and provide a broader array of services to this vulnerable population. In addition, Maryland's "Ready by 21" initiative seeks to ensure that every child in the State has the skills and resources needed to become a successful adult by age 21. The additional federal funding estimated as a result of this bill will help further this initiative to promote self-sufficiency for these youth.

**State Revenues:** Based on information provided by DHR, this bill increases federal fund revenues by an estimated \$157,500 in fiscal 2014 and by \$420,000 annually thereafter by enabling DHR to become eligible for additional funds under Title IV-E. This estimate assumes that approximately 75 youth will re-enter the foster care system each year and that Title IV-E funds will be obtained for one-third of these youth. It further accounts for the bill's October 1, 2013 effective date, as well as an additional start-up delay in the first year for the program to be fully implemented, placements to be finalized, and funds to be collected.

## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - January 21, 2013  
ncs/kdm

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Voluntary Placement for Former Foster Care Youth

BILL NUMBER: SB 86

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.