

Department of Legislative Services  
Maryland General Assembly  
2007 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 968

(Delegate Ivey, *et al.*)

Judiciary

Judicial Proceedings

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Family Law - Post Adoption Support Services Pilot Program

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This bill establishes a Post Adoption Support Services Pilot Program within the Department of Human Resources (DHR) to provide post adoption support services to adopted children and their families and to provide additional State funds for adopted children. Funding must be provided from existing resources of DHR. The bill expresses legislative intent that not more than \$250,000 from any fund source be spent per fiscal year.

The bill takes effect July 1, 2008 and terminates December 31, 2009.

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Fiscal Summary

**State Effect:** The bill primarily alters the purposes for which existing funds may be used in FY 2009 and 2010. To the extent it requires administrative changes, the department could handle them with existing resources.

**Local Effect:** None.

**Small Business Effect:** None.

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Analysis

**Bill Summary:** “Post adoption support services” are medical treatment, mental health services, parenting classes, or any other direct services provided by DHR after a child is adopted that aid an adopted child or adoptive family in which an adopted child is in crisis and assist in preventing the child from being returned to DHR’s care and supervision.

An adopted child or adoptive family is eligible for post adoption support services if the adoption was without prior termination of parental rights and was ordered by a juvenile court. At an adoptive parent's request for post adoption support services from the local department of social services (LDSS), the LDSS must conduct a clinical assessment of the adopted child's and adoptive family's needs.

After an LDSS determines that an adopted child or adoptive family needs post adoption support services, the LDSS must submit a proposed plan to provide those services to DHR for approval and funding.

On DHR's approval and upon the release of funds for those services, an LDSS or a vendor designated by the LDSS must provide the services to the adopted child or adoptive family.

By December 1, 2009, the Secretary of Human Resources must report to the General Assembly on • the number of adopted children and adoptive families served by the program; • the number of adopted children and adoptive families who applied for services; • the types of services provided; and • the effectiveness of those services.

**Current Law:** A juvenile court may enter an order for a child's adoption without prior termination of parental rights only if:

- both of the child's parents are dead; a state or other jurisdiction has granted a governmental unit or person other than the parent the power to consent to the adoption and consent is given; parental rights have been terminated on the order of another state or other jurisdiction; or if certain conditions are met when one parent consents to the adoption and the other parent does not consent;
- if the LDSS director with custody of the child consents; and
- the child is represented by an attorney and the child either consents, if old enough to do so (at least 10 years old), or does not object.

**Background:** DHR regulations provide for an in-home family services program to provide, coordinate, or refer families to services including emergency financial assistance through flex funds or other available monetary resources. The program's goal is to achieve family unity within a safe environment for all family members.

An example of in-home family services is Services to Families with Children-Central Intake or Family Support Services. Such services provide a voluntary assessment and related services for families asking for help to prevent further breakdowns in family

functioning which, if not addressed, could result in a Child Protective Services intervention, an out-of-home placement, or the dissolving of the family unit.

To access flex funds, a social worker must determine that the goods or services to be purchased cannot be obtained without cost to the LDSS. The social worker also must document how the

- goods or services support the service plan;
- family meets the eligibility criteria and is active in the family service program to which the expenditure is charged;
- family will benefit from the purchase; and
- specified purchase will directly contribute to the child's health and welfare, thus preventing the child's out-of-home placement or reunifying the child who has been placed out-of-home.

Flex funds may be used to purchase goods and services including, but not limited to

- parenting education;
- psychiatric or psychological evaluation, testing, and treatment;
- drug or alcohol rehabilitation services;
- vocational training and employment counseling;
- clinical consultation for staff;
- therapeutic family recreation;
- assistance in developing a family support network;
- assistance in locating and obtaining housing; and
- personal care supplies, such as clothing and personal hygiene items.

Flex funds are not available to individuals adopting children. Individuals who adopt children with identified special needs are eligible to receive a subsidy to address the child's needs after adoption.

**State Fiscal Effect:** The bill primarily alters the purposes for which existing DHR resources may be used. It limits the amount of funds that may be redirected to the bill's 18-month pilot program to not more than \$250,000 from any fund source per fiscal year. As the bill would take effect in fiscal 2009 and terminate after the first six months of fiscal 2010, up to \$250,000 could be redirected to the pilot program in both fiscal 2009 and fiscal 2010. This assumes that the intent is that only \$250,000 could be used to implement the bill each year. If the bill were interpreted to mean \$250,000 from each available fund source could be used, then as much as \$750,000 could be redirected (general funds, federal funds, special funds).

DHR advises that it would redirect general funds from its flex funds that are currently used to provide emergency financial assistance to families facing problems that could result in the breakdown of the family unit. Flex funds currently are not available to individuals adopting children.

DHR further advises that it annually budgets approximately \$10 million for flex funds which are allocated to all jurisdictions. LDSSs are given flexibility in determining what those funds are spent on based on clients' needs and annually spend their entire allotment. As a result, fewer clients who would otherwise be served through flex funds

would no longer be served as a portion of the allotment would instead be reserved for services for adopted children or adoptive families. It cannot be reliably estimated at this time how many adopted children and/or adoptive families would be served as a result of this bill.

This analysis assumes that existing LDSS staff would assess adoptive families requesting services for their adopted children or the entire family and make any recommendations to DHR's central office. It is also assumed that existing staff in DHR's central office would evaluate the recommendations and determine which adopted children and adoptive families would receive services based, in part, on funding availability. Further, it is assumed that DHR would assess the effectiveness of services provided and prepare the required report with existing resources.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Human Resources, Department of Legislative Services

**Fiscal Note History:** First Reader - February 21, 2007  
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