

Department of Legislative Services
 Maryland General Assembly
 2009 Session

FISCAL AND POLICY NOTE

Senate Bill 640 (Senator Kittleman, *et al.*)
 Judicial Proceedings

Family Law - Rights of Foster Parents

This bill expands the rights of foster parents to include a right of full access to the child’s case file, including all background information on the natural parents. The bill repeals a provision that restricted access to information about family members that may be privileged or confidential. The bill gives foster parents who have had continuous, long-term care of a foster child the right to participate during all hearings relating to the foster child and establishes the right of foster parents to be represented by an attorney, at the foster parent’s own expense, with regard to the foster child’s case.

Fiscal Summary

State Effect: State expenditures increase by \$209,700 in FY 2010 for additional staff to review and redact case file records. This represents \$83,900 in general funds and \$125,800 in federal funds. Future year expenditures reflect annualization and inflation. Revenues are not affected.

(in dollars)	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	83,900	104,200	109,200	114,400	120,000
FF Expenditure	125,800	156,300	163,800	171,700	179,900
Net Effect	(\$209,700)	(\$260,500)	(\$273,000)	(\$286,100)	(\$299,900)

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

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Foster parents have the following rights in Maryland:

- the right to receive full information from the caseworker on the physical, social, emotional, educational, and mental history of a child which may possibly affect the child's care, except for privileged or confidential information about family members;
- with regard to local department of social services case planning, the right to: (1) be notified of and, when applicable, be heard at scheduled meetings and staffings concerning a child, without superseding the natural parents' rights; (2) be informed of court or child welfare agency decisions concerning the child; and (3) provide input concerning the child's plan of services and have that input be given full consideration; and
- the right to be given reasonable written notice of plans to terminate the child's placement with the foster parent, except in cases of court order or where the child is determined to be at imminent risk of harm.

Foster parents also have the right to notice of and to be heard at permanency planning hearings, permanency plan review hearings, and guardianship review hearings.

Social services and child welfare services records and child abuse and neglect records and reports are confidential and may not be disclosed except by court order or to statutorily authorized persons. Violation of this prohibition is a misdemeanor subject to maximum penalties of 90 days imprisonment and/or a fine of \$500. (*See* Human Services Article § 1-201.)

State Fiscal Effect: General and federal fund expenditures increase by \$209,700 in fiscal 2010, which accounts for the bill's October 1, 2009 effective date. This estimate reflects the cost of hiring four Family Service Workers to review and redact case file records whenever full access to records is requested. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses. The information and assumptions used in calculating the estimate are stated below:

- foster parents of as many as 5% of the State's out-of-home population of 9,000 may seek to have access to the files annually (foster parents for about 450 children);
- regardless of the bill's provisions to provide "full access," there will still be information contained within the files that will need to be redacted; and

- because of the volume of information typically contained within a case file, it takes an average of 1.75 days to review each case record.

Salaries and Fringe Benefits	\$184,159
Operating Expenses	\$ 25,530
Total FY 2010 Expenditures	\$209,689

Future year expenditures reflect full salaries with 4.4% annual increases, 3% employee turnover, and 1% annual increases in ongoing operating expenses.

The Judiciary advises that expanding the rights of foster parents during court proceedings may result in additional or extended hearings. The Judiciary indicates that extended or additional hearings may result in a failure to meet federal requirements relating to timely hearings in foster care cases, however, Legislative Services advises that the Judiciary can handle any increase in caseload and ensure continued compliance with federal guidelines within existing budgeted resources.

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 - March 11, 2009
mam/kdm

Analysis by: Jennifer K. Botts

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