Part M
Human Resources

Social Services – Generally

Telephone Lifeline Service

Telephone Lifeline Service (Tel-Life) is a federally mandated program that provides subsidized telephone service to eligible individuals. The Department of Human Resources certifies to the phone company the eligibility of an individual to participate in the Tel-Life program. ***Senate Bill 693***/***House Bill 1562*** ***(both passed)*** add individuals who receive assistance from the Electric Universal Service Program (EUSP) and the Maryland Energy Assistance Program (MEAP) to the pool of eligible subscribers. A more detailed discussion of the bills can be found under Part H – Business and Economic Issues of this *90 Day Report*.

Assistance with Utility Bills

The fiscal 2007 budget includes $100.6 million to help low-income households pay their energy bills. There is $64.7 million to provide assistance to around 100,000 households through the federally funded MEAP and EUSP. The fiscal 2007 budget also includes $35.9 million to augment these two energy assistance programs, which includes $10.9 million to be used as a deficiency appropriation for fiscal 2006 to help cover higher than anticipated energy costs this past winter and $25 million in new State funds to allow the State to increase the eligibility for the energy assistance programs from 150 percent to 200 percent of the federal poverty level and meet increased demand for assistance when the higher electric rates go into effect this summer.

Local Social Services Boards

The local department of social services in each county must have a board. Except as provided in five specified jurisdictions, the local board must be composed of nine members. ***House Bill 1237*** ***(passed)*** allows a local department of social services board to have up to 13 members as provided by local law and enacted by the local governing authority.

The Elderly

Family Caregiver Assistance Program

House Bill 315 ***(passed)*** establishes a Family Caregiver Assistance Program in the Maryland Department of Aging. The program would provide grants to eligible family caregivers to supplement the unmet expenses of caring for certain adult dependents. To be eligible for a grant, a family caregiver must reside with an adult dependent who is certified as requiring long-term care services and have a family income of 200 percent or less of the State median income. The department is authorized to provide grants of up to $500 per household per year. Grants may be used for a variety of goods and services required to provide care for an adult dependent. The bill also directs the department to adopt regulations to distribute funding for grants to local jurisdictions based on their proportion of the State population aged 18 and over.

Senior Citizen Activities Center Operating Funds

The Department of Aging administers the Senior Citizen Activities Center Operating Fund to provide additional funds to economically distressed areas for senior centers. The Governor must include a $500,000 appropriation in the annual budget for the fund. Funds are distributed through a competitive grant process, with at least 50 percent of the funds directed to distressed counties based on need. ***Senate Bill 118*** ***(Ch. 71)*** clarifies that the Secretary of Business and Economic Development determines which counties are "distressed" for purposes of distributing money from the fund. The bill also clarifies that spouses of senior citizens may receive senior citizen activities center services.

Continuing Care Contracts

In 1994, the Department of Aging formed the Continuing Care Advisory Committee to study Article 70B of the Code and related regulations to make recommendations for revisions to the continuing care law. Substantive revisions were made in 1996 and 2000 based on the recommendations of the committee. In 2005, the department reconvened the committee to consider the need for additional changes. ***Senate Bill 103*** ***(passed)*** makes various changes to the continuing care law including authorizing the department to exempt providers with substantially limited long-term care liability exposure from the requirement to submit an actuarial study every three years and identifying circumstances in which specified information must be publicly disclosed.

Assisted Living Program Subsidies

The Department of Aging provides subsidies to assist low-income elderly individuals reside in assisted living programs as an alternative to more costly institutionalized care, such as nursing homes. Current law caps the subsidy at a maximum of $650 per month. In some areas of the State, providers are unable to admit residents who, even with the subsidy, do not generate enough income for the provider to cover operating expenses. ***House Bill 1633*** ***(passed)*** repeals the statutory cap on the subsidy and requires the Secretary of Aging to provide for and set by regulation the amount of the subsidy.

Tax Credits

House Bill 288 ***(passed)*** authorizes the governing body of a county or municipal corporation and Baltimore City to enact, by law, local property tax credits for low-income seniors. The credits may be granted for a home owned by and used as the principal residence of an individual who is at least 70 years old and of limited income.

The Disabled

Students with Disabilities

Chapter 423 of 2005 established the Community College Students with Disabilities Task Force to identify strategies to improve educational and employment outcomes for community college students with disabilities. A final report was submitted in December 2005. One of the recommendations of the task force is for the State to provide $500,000 annually for discretionary grants to community colleges to provide necessary supports for students with disabilities. Social skills training for students with autism spectrum disorders, expansion of tutoring support for students with math disabilities, and wellness initiatives for students with psychological disabilities are examples of supports that promote successful outcomes in the postsecondary setting.

House Bill 1681 ***(passed)*** requires the Maryland Higher Education Commission to establish and administer a grant program for supplemental services and supports for students with disabilities in community colleges. The commission, in cooperation with the Department of Disabilities, must establish a competitive review process for awarding grants and adopt any other necessary guidelines or regulations for administering the program. The fiscal 2007 budget includes $500,000 for this grant program.

To ensure that blind and visually impaired students are able to access instructional materials, ***Senate Bill 392***/***House Bill 710*** ***(both passed)*** require the Maryland State Department of Education to collaborate with and provide support to the Instructional Resources Center to develop procedures to coordinate the statewide availability of textbooks and instructional materials that may be accessed using specialized formats. A more detailed discussion of this bill can be found under Part L – Education of this *90 Day Report*.

Trusts for Individuals with a Disability

House Bill 717 ***(passed)*** includes a trust for an individual with a disability in the definition of "family of limited income" in order to qualify for assistance from the Maryland Housing Rehabilitation Program in the Department of Housing and Community Development. The bill also includes a beneficiary of a trust for an individual with a disability in the definition of "homeowner" in order to be eligible for the Homeowners' Property Tax Credit. Prior to this legislation, individuals with disabilities for whom certain trusts had been established that included the home in which the individual resided were unable to access these programs.

Personal Information about Individuals with Disabilities

***Senate Bill 1040*/*House Bill 1625* (both passed)** require a custodian of a public record to deny inspection of the part of the record that contains personal information about an individual with a disability or an individual perceived to have a disability. The bill provides an exception for a nursing home or an assisted living program.

Children

Child Welfare Funding

Foster Care/Subsidized Adoptions Rate Increases: The fiscal 2007 budget provides funding to increase the foster care monthly payment by $100. The lowest foster care rate for infants through age 11 will increase from $535 per month to $635. The first $25 increase became effective January 1, 2006. The remaining $75 increase becomes effective on July 1, 2006. The last time rates were increased was in 1991. The cost of the rate increases is approximately $6 million, comprising $4 million in general funds and $2 million in federal Title IV-E Foster Care funds. An additional $5 million provides $50 increases to the monthly subsidies for subsidized adoptions. Similar to the foster care rate increases, the first $25 increase for subsidized adoptions became effective January 1, 2006, and the remaining $25 becomes effective July 1, 2006.

Subsidized Guardianship Rate Increase: The fiscal 2007 budget includes $3.1 million to provide for an increase to the monthly subsidy rate for subsidized guardianships. Guardianship is a permanent out-of-home placement for a child wherein the court appoints a relative caregiver as the permanent legal guardian of the child and the local department of social services is then no longer involved in the care, custody, or supervision of the child. The new funding will allow a $275 increase in the monthly subsidy for the 200 children remaining in subsidized guardianship arrangements started under a federal waiver and will also provide for between 340 and 400 new subsidized guardianship cases at the new rate of $575 per month.

Child Welfare Staffing Ratios: The General Assembly has been concerned for many years about the high caseloads being carried by child welfare caseworkers and added language to the budget bills the past two years restricting funds unless the Department of Human Resources (DHR) had a certain number of filled child welfare positions. The General Assembly added language to the fiscal 2007 budget restricting funds until DHR develops a methodology for calculating the number of filled child welfare caseworker and supervisor positions needed to meet the staffing ratio recommendations of the Child Welfare League of America and develops a procedure for applying the methodology that is verifiable. The language also restricts funds unless DHR, at two points during the year, has the lesser of 1,941 filled worker and supervisor positions or the number of filled positions required to meet the ratios recommended by the Child Welfare League.

Temporary Cash Assistance Grant Increase: For the first time in several years, the budget includes sufficient funding to allow the Temporary Cash Assistance grant level to be set at a rate high enough, when combined with food stamps, to equal the 61 percent of Maryland's Minimum Living Level required by statute. An additional $7.7 million is included in fiscal 2007 to allow the average monthly grant to increase from $149 to $154.50.

At-risk Youth Prevention and Diversion

The General Assembly passed two nearly identical bills to increase funding for programs designed to divert children from the juvenile justice system and establish an Advisory Council to the Children's Cabinet. ***Senate Bill 882/House Bill 870*** ***(both passed)*** state that it is the General Assembly's intent that the Governor include $10 million in the fiscal 2008 budget to be distributed by the Governor's Office for Children for at-risk youth prevention and diversion programs, and sufficient funds in each fiscal year thereafter to maintain the programs. The fiscal 2007 budget provides $4.3 million for delinquency prevention.

Both bills also establish that the purpose of the Children's Cabinet Advisory Council is to make recommendations to the Children's Cabinet on (1) methods for meeting the policy and program goals of the State for integrated children and family programs; (2) coordinating State programs with programs operated by local governments, local management boards, and private groups; (3) building capacity to serve youths in their communities and at home; (4) reducing reliance on institutions as the primary mode of intervention for at-risk youth offenders; (5) promoting positive outcomes for youths; (6) funding practices that prevent juvenile crimes and delinquency; and (7) reducing disproportionate minority confinement.

Child Welfare Accountability Act

Senate Bill 792 ***(Ch. 31)***/***House Bill 799*** ***(passed)*** require (1) an outcome-based system to measure the effectiveness of child welfare services; (2) the development of a process for assessing the quality of casework services; (3) the development of a local department of social services child welfare services self-assessment process; (4) the employment and retention of sufficient numbers of qualified child welfare staff to meet the current statutorily required State caseload ratios following the standards of the Child Welfare League; and (5) the establishment of a Child Welfare Training Academy.

Child Abuse and Neglect

Chapter 334 of 2005 established a Child Abuse and Neglect Center of Excellence Initiative within the Department of Health and Mental Hygiene (DHMH). The initiative trains providers in regional centers of excellence on the diagnosis and treatment of child abuse and neglect. ***House Bill 168*** ***(Ch. 80)*** establishes the Children's Trust Fund under DHMH to fund the Child Abuse and Neglect Centers of Excellence Initiative. The special, nonlapsing fund will consist of commemorative birth certificate fees, money appropriated in the State budget to the fund, and any other money from any other funding source. The Children's Trust Fund was originally established under the Office of Children, Youth, and Families (OCYF), authorized by Article 49D of the Annotated Code of Maryland. OCYF's statutory authority terminated at the end of fiscal 2005, as did Article 49D of the Code, after the failure of Administration bills during the 2005 legislative session. The bills sought to reauthorize the office as a permanent entity and rename it the Governor's Office for Children.

House Bill 1648 ***(passed)*** requires DHR to conduct a study on the implementation of a research-based differential response system for allegations of child abuse and neglect. The study must (1) define levels of safety concerns associated with allegations of child abuse and neglect; (2) determine specific responses and time frames for initiating and completing responses for varying allegations of child abuse and neglect; (3) develop a database of community resources and child welfare programs in local departments to assist DHR in responding to allegations of child abuse and neglect; (4) determine existing capacity outside the child protective services system to meet the needs of lower risk families and identify services and funding to fill service gaps as part of an effective differential response system; (5) develop a plan to implement and evaluate a differential response system addressing the issues specified in the bill; and (6) recommend specific statutory changes necessary to implement a differential response system for allegations of child abuse and neglect.

By December 1, 2006, DHR is required to submit a report to the Governor and specified legislative committees on the findings and statutory recommendations of the Differential Response System Study. The bill takes effect June 1, 2006, and terminates May 31, 2007.

Service Coordination

Senate Bill 294/***House Bill 301*** ***(both passed)*** recodify local management boards, the State Coordinating Council for Children (formerly called the State Coordinating Council), and local coordinating councils. The bills re-establish the Children's Cabinet Fund (formerly called the Subcabinet for Children, Youth, and Families Resource Fund) within the Governor's Office for Children. Local management boards, the State Coordinating Council, local coordinating councils, and the Children's Cabinet Fund are not currently codified in statute. Previously they were codified under the Office for Children, Youth, and Families (OCYF) in Article 49D of the Annotated Code of Maryland, which terminated July 1, 2005. An executive order issued in 2005 established the Governor's Office for Children to replace OCYF. Regulations adopted in 2005 following the executive order made minor technical changes to the regulations under the former OCYF. Comprehensive and integrated services to specific children and families continue to be overseen by the State Coordinating Council, local coordinating councils, and the local management boards through the regulation.

Group Homes

During the 2005 interim, group home oversight was a topic of hearings before various legislative committees. During those hearings, legislators expressed concerns that group home oversight was not sufficient, group homes were concentrated in certain areas of the State, and certain providers were not adequately supervising and caring for the children they serve. Interest in improving the oversight of group homes led to the addition of budget bill language and passage of three bills. The budget bill language requires:

- child-serving agencies to report on the level of earnings retained by providers;
- that independent audits from each provider be submitted to the Interagency Rates Committee and a review of the audits to be incorporated into the rate setting process;
- a report on the level of direct care spending;
- a report outlining how performance-based incentives can be incorporated into the rate setting process;
- a report on the number of incidents reported by providers;
- status reports on the implementation of previously enacted legislation;
- a report on the appropriate number of licensing and monitoring staff; and
- a report on how information sharing among child-serving agencies can be improved.

Senate Bill 811 ***(passed)*** establishes a Residential Child Care Capital Grant Program under the Office for Children to make grants to counties, municipal corporations, and nonprofit organizations for (1) converting public buildings or parts of public buildings to residential child care programs; (2) acquiring existing buildings or parts of buildings for use as residential child care programs; (3) renovating residential child care programs; (4) purchasing capital equipment for residential child care programs; or (5) planning, designing, and constructing residential child care programs. Beginning in fiscal 2008, the Governor may include an appropriation in the State capital budget for the program. The Board of Public Works must allocate the funds and may adopt regulations related to the program. Although the bill does not specify a funding level, the Office for Children advised it would require at least $10 million a year to provide capital grants based on existing need.

Senate Bill 810 ***(passed)*** adds licensure requirements for corporations applying for or that have been granted a license to operate a residential child care program in Maryland. The bill requires a corporation to demonstrate to the licensing agency that it is capable of providing for and arranging for the provision of all applicable services proposed in the license application by submitting a business plan demonstrating its ability to provide services according to State regulations and funding requirements; a summary of the corporation's experience in the human services field; a written quality assurance plan approved by the licensing agency; and prior licensing reports issued within the previous 10 years from any in-State or out-of-state entities associated with the corporation or program. The bill also establishes requirements for the corporation's board of directors, including that at least one member must be a Maryland resident and an employee of the corporation or program or an immediate family member of the employee may not sit on the board of directors. In addition, the bill requires a corporation to adopt bylaws requiring the Board of Directors to be legally responsible for the program's management and operation. The bill affects programs licensed by DHR, DHMH, and the Department of Juvenile Services (DJS).

Senate Bill 822/House Bill 813 ***(both passed)*** require the Office for Children to develop a State Resource Plan for Residential Child Care Programs to enhance access to services provided by these programs. A residential child care program is an entity that provides 24-hour per day care for children within a structured set of services and activities designed to achieve specific objectives. It includes a program licensed by the DHR, DHMH, and DJS with the exception of sites licensed by the Developmental Disabilities Administration within DHMH.

Child Care

House Bill 601 ***(passed)*** transfers the Child Care Quality Incentive Grant Program from DHR to the Maryland State Department of Education (MSDE). Chapter 585 of 2005 (House Bill 932) moved the Child Care Administration from DHR to MSDE. The transfer of the Child Care Quality Incentive Grant Program, which was established in 2002 and provides small grants to child care centers for supplies and materials, was inadvertently left out of that bill. According to MSDE, the Child Care Administration awarded 104 program grants totaling approximately $100,000 in fiscal 2003 but suspended the program in fiscal 2004 due to a transfer of the federal funds that were being used to support the effort. MSDE advised that there have been discussions about restarting the program but that no final determination has been made.

House Bill 367 ***(passed)*** increases the maximum misdemeanor penalties for individuals convicted of operating a family day care home or a child care center without a registration or license issued by the MSDE Office of Child Care. An individual who operates a family day care home without registration or a child care center without a license is guilty of a misdemeanor and on conviction is subject to a penalty of up to $1,500 for the first violation and $2,500 for a second or subsequent violation.