Doug Nichols March 9, 2016 402-471-0052

LB 894

Revision: 01 FISCAL NOTE LEGISLATIVE FISCAL ANALYST ESTIMATE

Updated for amendments adopted through March 8, 2016.

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)								
	FY 2016-17 FY 2017-18							
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE				
GENERAL FUNDS	See Below							
CASH FUNDS								
FEDERAL FUNDS								
OTHER FUNDS								
TOTAL FUNDS								

Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.

This bill, as amended, would change provisions relating to appointment of counsel in juvenile cases. It would provide for an alternative to detention for juveniles. This amended bill would provide requirements relating to confinement of juveniles and provide a duty for the Inspector General of Nebraska Child Welfare. It would also modify jurisdiction of juvenile courts and change provisions relating to temporary custody and disposition of juveniles.

The Supreme Court notes that this bill could result in a minimal General Fund expenditure reduction. See their response for AM1962 for additional details. Additionally, the Supreme Court estimates a one-time cost of \$10,000 for information-gathering and a database of qualified attorneys. Due to the relatively small expenditure impact, no additional appropriation should be required.

The Department of Health and Human Services estimates General Fund expenditures of \$320,306 in FY18 for a 1.5 FTE Child and Family Services Specialist, benefits, operating, and aid. HHS could incur additional costs for complying with the provisions of this bill. However, the HHS amount appears high, especially since the Supreme Court (Probation Administration) is estimating a minimal reduction in expenditures for juvenile services and this is the same population that would be in the custody of HHS under this bill.

Lancaster County estimates \$65,000 to \$75,000 in additional costs to appoint private attorneys for all juveniles in the juvenile court.

Douglas County estimates no fiscal impact from this bill.

Please complete <u>ALL</u> (5) blanks in the first three lines.

LB ⁽¹⁾ 894, AM1	962				FISCAL NOTE
State Agency OR Political S	ubdivision Name: (2)	Supreme Court			
Prepared by: ⁽³⁾ Eric A	sboe	Date Prepared: ⁽⁴⁾	3/2/16	Phone: ⁽⁵⁾	1-4138
E	STIMATE PROVIDED	<u>) BY STATE AGENC</u>	Y OR POLITICA	L SUBDIVISIO	<u>DN</u>
	<u>FY 201</u>			<u>FY 2017</u> .	<u>-18</u>
	EXPENDITURES	<u>REVENUE</u>	EXPEND	TURES	<u>REVENUE</u>
GENERAL FUNDS	10,000				
CASH FUNDS					
FEDERAL FUNDS					
OTHER FUNDS					
TOTAL FUNDS	10,000				

Explanation of Estimate:

LB894, as amended by AM1962, would have the following fiscal impact:

1. Sections 3 and 4. No fiscal impact for FY16-17 due to the operative date. For FY17-18, it is assumed that supervision for juveniles younger than eleven would no longer be by the Administrative Office of Probation. Based on the small number of juveniles in this age group currently supervised by Probation, there is the potential for a minimal reduction in General Fund expenditures for juvenile services. As stated in the fiscal note for LB893, estimating the reduction, however, is difficult. Probation has not supervised this age group long enough to establish any on-going data on the number of juveniles served and the type and cost of services used in order to provide a solid estimate.

2. Section 7. Unless alleged to have committed certain offenses, no juvenile 12 years old or younger shall be placed in detention. Although there could be a fiscal impact on General Fund detention expenditures, estimating the impact cannot be determined at this time. Any detention alternative would also be an expense and it is unknown how many juveniles would still be eligible for detention based on alleged offense.

3. Section 10. Judicial workload could increase since a hearing can now be held related to a detention alternative. At this time, any increase is not estimated to require additional judicial resources.

4. Section 13. Establishes a requirement for the Supreme Court to develop guidelines for attorneys practicing in juvenile court. As stated in the fiscal note for LB894, based on the costs that were associated with developing standards for guardians ad litem, the FY16-17 increase in General Fund expenditures is estimated at \$10,000. This would be a one-time expense for information-gathering and a database of qualified attorneys.

BREAKD	OWN BY MA.	JOR OBJECTS O	F EXPENDITURE	
Personal Services:				
	NUMBER O	F POSITIONS	2016-17	2017-18
POSITION TITLE	<u>16-17</u>	<u>17-18</u>	EXPENDITURES	EXPENDITURES
Benefits				
Operating			10,000	
Travel				
Capital outlay				
Aid			10,000	
Capital improvements				
TOTAL				

LB(1) 894 AM1962

FISCAL NOTE

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

State Agency or Political Subdivision Name:(2) Department of Health and Human Services

Prepared by: (3) Pat Weber	Date Prepare	ed:(4) 2-11-16	Phone: (5) 471-6351 <u>FY 2017-2018</u>		
	FY 2016-2	2017			
_	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE	
GENERAL FUNDS	\$0		\$320,306		
CASH FUNDS					
FEDERAL FUNDS					
OTHER FUNDS					
TOTAL FUNDS	\$0		\$320,306		
=					

Return by date specified or 72 hours prior to public hearing, whichever is earlier.

Explanation of Estimate:

Amendment 1962 of LB894 has a fiscal impact on the Department of Health and Human Services (DHHS) – Division of Children and Family Services (DCFS). The amendment contains provisions that prevent youth under the age of 11 from being adjudicated for misdemeanors, felonies, uncontrollable or traffic violations. These changes would require law enforcement to place these youth in the custody of DHHS when out of home placement is required, instead of turning the youth over to the Office of Probation Administration.

There are currently 16 youth under the age of 11 that are being served by Probation who would become wards of DHHS. This would require DCFS to hire 1.5 FTE Child and Family Services Specialists to provide case management services for 16 wards. The cost of these positions is estimated at \$101,151 for SFY18.

The cost of court-ordered services that this population would incur is estimated at \$219,154 in SFY18. To estimate this cost, this fiscal note uses a sample of 84 wards for which DHHS paid \$282,000 in court-ordered services from July 1, 2014 through September 30, 2014. From this, a per capita monthly cost of \$1,119 was determined. The monthly cost is estimated at \$1,141 per ward after accounting for service provider rate increases that took effect 7/1/2015.

This fiscal note assumes 1) 100% general fund expenditures as these expenses are not expected to qualify for IV-E funding and 2) increased expenditures will begin to be incurred on July 1, 2017.

MAJOR OBJECT	S OF EXPEND	TURE		
PERSONAL SERVICES:				
		POSITIONS	2016-2017	2017-2018
POSITION TITLE	16-17	17-18	EXPENDITURES	EXPENDITURES
Child and Family Services Specialist	0	1.5	\$0	\$57,199
Deposite				<u> </u>
Benefits				\$11,988
Operating				\$11,988 \$31,964
Travel				<i>+ - · , ·</i>
Capital Outlay				
Aid				\$219,154
				ψ210,104
Capital Improvements				
TOTAL			\$0	\$320,306

Please complete <u>ALL</u> (5) blanks in the first three lines.

LB ⁽¹⁾ 894				FISCAL NOTE
State Agency OR F	olitical Subdivision Name: (2)	Lancaster Cour	ty	-
Prepared by: (3)	Theresa Emmert	Date Prepared: ⁽⁴⁾	1/19/16 Pho	one: (5) 402-441-5646
	ESTIMATE PROVIDE	<u>ED BY STATE AGEN(</u>	Y OR POLITICAL SUBD	IVISION
	<u>FY 20</u>	016-17	F	<u> 2017-18</u>
	EXPENDITURES	<u>REVENUE</u>	EXPENDITURES	<u>REVENUE</u>
GENERAL FUN	DS			
CASH FUNDS				
FEDERAL FUNI	DS			
OTHER FUNDS				
TOTAL FUNDS	\$65,000-\$75,000		\$65,000-\$75,000	

Explanation of Estimate:

Based upon the number of filings in Lancaster County Juvenile Court in 2015 and the number of cases the Public Defender's office can take within their caseload limit, we estimate that Lancaster County would need to spend an additional \$65,000 to \$75,000 in private attorney appointments to appoint an attorney for all juveniles in our court.

BREAKD	OWN BY MA.	JOR OBJECTS O	F EXPENDITURE	
Personal Services:				
	NUMBER O	F POSITIONS	2016-17	2017-18
POSITION TITLE	<u>16-17</u>	<u>17-18</u>	EXPENDITURES	EXPENDITURES
	·	·		
				·
Benefits				
Operating				
Travel				
Capital outlay				
Aid				
Capital improvements				
TOTAL				

AM1962 TO LB894 ⁽¹⁾			provisions l in juveni			o appointme	ent of	FISCAL NOTE
State Agency (OR Po	litical Su	bdivision Name: ⁽²⁾	_	DOUGLAS CO	DUNTY, NEBRAS	SKA	
Prepared by:	(3)	DOUGLA	S SAN MARTIN, AS COUNTY ISTRATION	Dat	e Prepared: ⁽⁴⁾	3/7/16	Phone: ⁽⁵⁾	402.444.5116
		E	STIMATE PROVID	<u>ED BY</u>	STATE AGEN	CY OR POLITICA	<u>L SUBDIVIS</u>	ION
]	<u>FY 20</u> EXPENDITURES)16-17	<u>REVENUE</u>	<u>EXPENDITU</u>	<u>FY 2017-</u> J <u>RES</u>	- <u>18</u> <u>REVENUE</u>
GENERAL F	UND	S						
CASH FUND	S							
FEDERAL FU	UND	S		_				
OTHER FUN	IDS							
TOTAL FUN	DS		N/A		N/A	N/A		N/A
Explanation of	of Es	timate:						
AM1962 D	OES	NOT (CAUSE A FISCA	AL IN	ИРАСТ ТО С	OUNTY		

BREAKI	OOWN BY MAJ	OR OBJECTS O	FEXPENDITURE	
Personal Services:				
	NUMBER OF POSITIONS		2016-17	2017-18
POSITION TITLE	<u>16-17</u>	<u>16-17</u> <u>17-18</u> <u>EXPENDITURES</u>		EXPENDITURES
David Cha				
Benefits				
Operating				
Travel	••			
Capital outlay				
Aid				
Capital improvements				
TOTAL				