

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

Updated for an additional response received from Lancaster County.

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		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. It is noted that 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. From a statewide perspective, the General Fund impact will be zero since any increase to HHS would result in a corresponding reduction to Probation Administration.

Lancaster County estimates \$65,000 to \$75,000 in additional costs to appoint private attorneys for all juveniles in juvenile court. Additionally, Lancaster County estimates \$15,000 to \$20,000 for increased supervision of youth when evaluating what efforts can be tried rather than separation for youth who pose a substantial safety and security risk. See the county's 3/15/16 response following for additional details.

Douglas County estimates no fiscal impact from this bill.

Please complete ALL (5) blanks in the first three lines.

2016

LB⁽¹⁾ 894, AM1962

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Supreme Court

Prepared by: ⁽³⁾ Eric Asboe

Date Prepared: ⁽⁴⁾ 3/2/16

Phone: ⁽⁵⁾ 1-4138

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2016-17</u>		<u>FY 2017-18</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>10,000</u>	<u> </u>	<u> </u>	<u> </u>
CASH FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
FEDERAL FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
OTHER FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TOTAL FUNDS	<u>10,000</u>	<u> </u>	<u> </u>	<u> </u>

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.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2016-17</u>	<u>2017-18</u>
	<u>16-17</u>	<u>17-18</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Benefits.....	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Operating.....	<u> </u>	<u> </u>	<u>10,000</u>	<u> </u>
Travel.....	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Capital outlay.....	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Aid.....	<u> </u>	<u> </u>	<u>10,000</u>	<u> </u>
Capital improvements.....	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TOTAL.....	<u> </u>	<u> </u>	<u> </u>	<u> </u>

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 Prepared:(4) 2-11-16

Phone: (5) 471-6351

	<u>FY 2016-2017</u>		<u>FY 2017-2018</u>	
	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 OBJECTS OF EXPENDITURE

PERSONAL SERVICES:	NUMBER OF POSITIONS		2016-2017 EXPENDITURES	2017-2018 EXPENDITURES	
	POSITION TITLE	16-17			17-18
Child and Family Services Specialist		0	1.5	\$0	\$57,199
Benefits.....					\$11,988
Operating.....					\$31,964
Travel.....					
Capital Outlay.....					
Aid.....					\$219,154
Capital Improvements.....					
TOTAL.....				\$0	\$320,306

Please complete ALL (5) blanks in the first three lines.

2016

LB⁽¹⁾ 894

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Lancaster County

Prepared by: ⁽³⁾ Michelle Schindler Date Prepared: ⁽⁴⁾ 3/15/16 Phone: ⁽⁵⁾ 402-441-7093

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2016-17		FY 2017-18	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	<u>\$15,000-\$20,000</u>		<u>\$15,000-\$20,00</u>	

Explanation of Estimate:

Estimates are based upon computer programming to track resident discipline actions to meet the requirements for reporting and direct care staffing costs to increase supervision of youth for instances of evaluating what efforts can be tried rather than separation for youth who pose a substantial safety and security risk. This increased supervision will require one staff to one resident and two staff to the other resident groups to ensure safety of all youth during said evaluation period.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2016-17	2017-18
	16-17	17-18	EXPENDITURES	EXPENDITURES
Benefits.....				
Operating.....				
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....				

Please complete ALL (5) blanks in the first three lines.

2016

LB⁽¹⁾ 894

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Lancaster County

Prepared by: ⁽³⁾ Theresa Emmert Date Prepared: ⁽⁴⁾ 1/19/16 Phone: ⁽⁵⁾ 402-441-5646

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2016-17		FY 2017-18	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	<u>\$65,000-\$75,000</u>		<u>\$65,000-\$75,000</u>	

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.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2016-17 EXPENDITURES	2017-18 EXPENDITURES
	16-17	17-18		
Benefits.....				
Operating.....				
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....				

Please complete ALL (5) blanks in the first three lines.

2016

**AM1962
TO
LB894⁽¹⁾**

Change provisions relating to appointment of
counsel in juvenile cases

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ DOUGLAS COUNTY, NEBRASKA

Prepared by: ⁽³⁾ MARCOS SAN MARTIN, Date Prepared: ⁽⁴⁾ 3/7/16 Phone: ⁽⁵⁾ 402.444.5116
DOUGLAS COUNTY
ADMINISTRATION

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2016-17</u>		<u>FY 2017-18</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

Explanation of Estimate:

AM1962 DOES NOT CAUSE A FISCAL IMPACT TO COUNTY

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2016-17 EXPENDITURES</u>	<u>2017-18 EXPENDITURES</u>
	<u>16-17</u>	<u>17-18</u>		
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____