

Revised based on amendments adopted through 7-20-20

**FISCAL NOTE**  
**LEGISLATIVE FISCAL ANALYST ESTIMATE**

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES</b> (See narrative for political subdivision estimates)				
	<b>FY 2020-21</b>		<b>FY 2021-22</b>	
	<b>EXPENDITURES</b>	<b>REVENUE</b>	<b>EXPENDITURES</b>	<b>REVENUE</b>
GENERAL FUNDS				
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 requires the court make a placement to a specific Youth Rehabilitation and Treatment Center (YRTC) in Geneva or Kearney or another facility being used as an YRTC and operating pursuant to state law. The bill would allow the court or any interested party to motion for a review hearing of a juvenile placed in the custody of the Office of Juvenile Services (OJS). The court may order early discharge from commitment to extensive supervised probation. A representative of either OJS or the YRTCs must be physically present for court hearing, as well as the juvenile and the juvenile’s parent or guardian. Juveniles would also be entitled to an annual review of their commitment. The Office of Juvenile Services would not be allowed to change juveniles’ placements except for the need for inpatient or subacute substance abuse or behavioral health residential treatment. Notice of such change shall be provided to the court and interested parties.

The youth have the option to be physically present for hearing. The department indicates funding would be needed for staff overtime costs. While youth are transported to their hearings, other staff would need to cover for them. Currently some of the youth attend court hearings through either teleconferencing or by phone. That continues to be an option under this bill. The number of hearings per year is unknown. The department’s fiscal note provides an example assuming 120 hearings a year. However this estimate appears to be high based on total admissions which were 101 in FY 20. The average length of stay in FY 2019 for boys was 10 months, and for girls, it was 7.8 months. Costs for overtime are anticipated to be minor for the following reasons: 1) most youth will be discharged prior to the time for an annual review; 2) the number of admissions and 3) the option the youth have to attend or not attend the hearings in person. The costs are projected to be minor and can be absorbed within existing agency resources.

The workload of the courts would increase, but the extent is not known.

The bill as amended contains a modified version of LB 975. The amendment provides civil and criminal immunity to medical professionals and others participating in an investigation of child abuse and neglect. These provisions align state law to federal the Child Abuse Prevention and Treatment Act (CAPTA) and will prevent the loss of approximately \$500,000 in federal funds.

<b>ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSE</b>			
<b>LB: 1148</b>	<b>AM:</b>	<b>AGENCY/POLT. SUB: Nebraska Supreme Court (005)</b>	
REVIEWED BY: Joe Wilcox	DATE: 2/04/2020	PHONE: (402) 471-4178	
COMMENTS: No basis to dispute the Nebraska Supreme Court estimate of potential, but Indeterminate Fiscal impact to the Agency from LB 1148.			

**ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION**

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

Prepared by: (3) Mike Michalski

Date Prepared 7-20-2020

Phone: (5) 471-6719

	<u>FY 2020-2021</u>		<u>FY 2021-2022</u>	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
<b>GENERAL FUNDS</b>	\$21,000		\$42,000	
<b>CASH FUNDS</b>				
<b>FEDERAL FUNDS</b>				
<b>OTHER FUNDS</b>				
<b>TOTAL FUNDS</b>	\$21,000		\$42,000	

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

Explanation of Estimate: LB 1148 as amended clarifies child advocacy centers' access to information. It also outlines confidentiality provisions related to forensic interviews in child abuse and neglect cases. A defendant's access to recorded interview of child victims or witnesses involving a sex crime is clarified. These provisions would not have a fiscal impact on the Department.

This bill as amended adds language that Courts may set hearings to review a juvenile's treatment plan and to review any change of placement should there be an objection. Any party may file a motion for commitment review to bring the case before the court for consideration of the juvenile's progress in treatment at the YRTC and the Court may order an early discharge if determined in the juvenile's best interest. Each juvenile is also entitled to an annual review of their case by the Court's to assess the juvenile's progress in treatment and determine if commitment remains in the juvenile's best interest.

There is also wording that grants the youth the "right" to be physically present at any of the various Court hearings. Currently, youth attend some hearings by teleconference or by phone. The new language will require the YRTC to transport youth to the court hearing when said youth wishes to be physically present.

Travel time to and from hearings would increase costs for the YTRC's. Given that many of the court hearings would be more than a two hour drive each way from Kearney and that any staff needed to accompany the youth would need to be replaced at the facility most likely incurring overtime for staff, and estimating 120 hearings per year, the cost would be at least \$42,000 per year (120 hearings times 8 hours per hearing times average overtime staff cost). Since this bill does not have an emergency clause, these costs would be half for the first fiscal year.

Additional Attorney time and support would be necessary to provide in person representation at the various hearings. However this additional cost will be absorbed by the Department.

**MAJOR OBJECTS OF EXPENDITURE**

PERSONAL SERVICES:	POSITION TITLE	NUMBER OF POSITIONS		2020-2021	2021-2022
		20-21	21-22	EXPENDITURES	EXPENDITURES
Benefits.....					
Operating.....				\$21,000	\$42,000
Travel.....					
Capital Outlay.....					
Aid.....					
Capital Improvements.....					
<b>TOTAL.....</b>				\$21,000	\$42,000

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

**2020**

**LB<sup>(1)</sup> 1148**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> 05 Supreme Court

Prepared by: <sup>(3)</sup> Eric Asboe Date Prepared: <sup>(4)</sup> 2/2/20 Phone: <sup>(5)</sup> 1-4138

**ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION**

	<u>FY 2020-21</u>		<u>FY 2021-22</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
<b>TOTAL FUNDS</b>	<b>=====</b>	<b>=====</b>	<b>=====</b>	<b>=====</b>

**Explanation of Estimate:**

It is estimated that LB1148 would increase judicial workload. However, the amount of increase and it's impact on judges and court staff cannot reasonably be determined at this time. Judicial branch education would also be required. No additional resources required at this time.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2020-21</u>	<u>2021-22</u>
	<u>20-21</u>	<u>21-22</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
<b>TOTAL.....</b>	<b>_____</b>	<b>_____</b>	<b>_____</b>	<b>_____</b>