

PREPARED BY: Liz Hruska  
DATE PREPARED: January 28, 2014  
PHONE: 471-0053

**LB 928**

Revision: 00

# FISCAL NOTE

**LEGISLATIVE FISCAL ANALYST ESTIMATE**

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES</b> (See narrative for political subdivision estimates)				
	<b>FY 2014-15</b>		<b>FY 2015-16</b>	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	47,206		49,316	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	47,206		49,316	

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

The bill provides for additional duties to the Department of Health and Human Services under the Indian Child Welfare Act.

The additional duties will not require additional front line staff, but will require additional training and case reviews. The department estimates the additional work will require Program Specialist. The estimate appears to be reasonable. The cost would be \$47,206 GF in FY 15 and \$49,316 in FY 16.

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

**2014**

**LB<sup>(1)</sup> 928**

**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> 1/27/14

Phone: <sup>(5)</sup> 1-4138

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

	<u>FY 2014-15</u>		<u>FY 2015-16</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

**Explanation of Estimate:**

No fiscal impact. It is estimated that the impact of LB 928 on court and judicial workload and any potential decrease in revenue from the pro hac vice fee will be minimal.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2014-15</u>	<u>2015-16</u>
	<u>14-15</u>	<u>15-16</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

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

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

Prepared by: (3) Steve Shively

Date Prepared:(4) 1-28-14

Phone: (5) 471-0676

	<u>FY 2014-2015</u>		<u>FY 2015-2016</u>	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
<b>GENERAL FUNDS</b>	\$78,368		\$85,493	
<b>CASH FUNDS</b>				
<b>FEDERAL FUNDS</b>				
<b>OTHER FUNDS</b>				
<b>TOTAL FUNDS</b>	\$78,368	\$0	\$85,493	\$0

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

**Explanation of Estimate:**

LB928 bill amends the current Nebraska Indian Child Welfare Act (Nebraska ICWA), Neb. Rev. Stat. section 43-1501, et seq., by establishing procedures to be followed and expands the Nebraska ICWA by:

- Extending the notice provision to voluntary cases;
- Establishing definitions/procedures that have not been required in the past;
- Expands the definition of "active efforts";
- Requires the Court to inquire regarding ICWA in every Juvenile case;
- Creates a notice provision for DHHS to be notified whenever an Indian Child is removed from the parent or Indian Custodian, but does not define what the responsibility of DHHS is regarding such notice;
- Requires DHHS to provide services to family members who may not be involved in the juvenile case;
- Restricts the definition of "advanced stage of proceeding"; and
- Creates notification requirements that will require the sharing of confidential information.

This bill creates additional duties for staff:

- The Affidavit required for attempts to place within placement preferences is an additional duty, however the documentation of this is already required.
- ICWA Notices for Non-Court Involved cases will require additional staff time.
- The bill requires the Court to inquire on the record at the beginning of the case whether ICWA applies to the case. This may result in additional cases needing to be worked to ICWA standards.
- The bill states that if an Indian child is removed from an Indian parent or custodian, DHHS will be notified. However, the bill does not set forth what DHHS's role or responsibility is.
- The bill directs DHHS to work with Tribes to develop standards and procedures regarding review of ICWA cases. Staff time will be needed to develop these standards and procedures.

The above additional duties will not require hiring of additional field staff. However, these duties will require additional training and case reviews which will require an additional ICWA Program Specialist. The estimated fiscal impact to the Department of Health and Human Services would be \$78,368 (GF) for FY14-15 (11 months) and \$85,493 (GF) for FY15-16 to add an additional Program Specialist.

**MAJOR OBJECTS OF EXPENDITURE**

PERSONAL SERVICES:	POSITION TITLE	NUMBER OF POSITIONS		2014-2015	2015-2016
		14-15	15-16	EXPENDITURES	EXPENDITURES
	K73210 DHHS Program Specialist	1.0	1.0	\$39,706	\$43,316

Benefits.....	\$13,897	\$15,161
Operating.....	\$24,765	\$27,016
Travel.....		
Capital Outlay.....		
Aid.....		
Capital Improvements.....		
<b>TOTAL.....</b>	<b>\$78,368</b>	<b>\$85,493</b>