

Fiscal Estimate - 2013 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 13-2915/1	Introduction Number AB-0570
------------------------------------	---

Description
 Extended out-of-home care to 21 years of age for children with individualized education programs, providing an exemption from emergency rule procedures, providing an exemption from rule-making procedures, and granting rule-making authority

Fiscal Effect

State:

- No State Fiscal Effect
- Indeterminate
 - Increase Existing Appropriations
 - Decrease Existing Appropriations
 - Create New Appropriations
- Increase Existing Revenues
- Decrease Existing Revenues
- Increase Costs - May be possible to absorb within agency's budget
 - Yes No
- Decrease Costs

Local:

- No Local Government Costs
 - Indeterminate
 - 1. Increase Costs 3. Increase Revenue
 - Permissive Mandatory Permissive Mandatory
 - 2. Decrease Costs 4. Decrease Revenue
 - Permissive Mandatory Permissive Mandatory
5. Types of Local Government Units Affected
- Towns Village Cities
 - Counties Others
 - School Districts WTCS Districts

Fund Sources Affected

Affected Ch. 20 Appropriations

GPR FED PRO PRS SEG SEGS

Agency/Prepared By

Authorized Signature

Date

DOC/ Robin Walrath (608) 240-5422

Melissa Roberts (608) 240-5055

1/3/2014

Fiscal Estimate Narratives

DOC 1/3/2014

LRB Number	13-2915/1	Introduction Number	AB-0570	Estimate Type	Original
Description Extended out-of-home care to 21 years of age for children with individualized education programs, providing an exemption from emergency rule procedures, providing an exemption from rule-making procedures, and granting rule-making authority					

Assumptions Used in Arriving at Fiscal Estimate

Under current legislation, a child's placement in out-of-home care terminates when the child is 18, one year after entry of the order, or if the child is a full-time student at a secondary school and is expected to complete the program before reaching 19, or when the child reaches 19, whichever is later, unless the juvenile court specified a shorter order or it is terminated sooner. Under this bill, a child placed in out-of-home care who is a full-time student at a secondary school or its equivalent and who has an individualized education program (IEP) in effect may continue out-of-home care until the child is granted a high school or high school equivalency diploma (HSED) or reaches 21, whichever occurs first, under either an extended dispositional order of the juvenile court or a voluntary transition-to-independent-living agreement between the child, or the child's guardian, and the agency responsible for providing services to the child under the dispositional order.

This bill requires an agency 120 days before the termination date of a dispositional order of a child with an IEP who has attained 18 years of age or the termination date of parental rights (TPR) order transferring a child with an IEP to the guardianship of an agency to request the child to indicate whether he or she wishes to be discharged from out-of-home care on termination of the dispositional or TPR agency guardianship order, wishes to continue in out-of-home care under an extension of the dispositional order, or wishes to continue in out-of-home care under a voluntary transition-to-independent-living agreement.

If the child with an IEP indicates that they wish to be discharged from out-of-home care on termination of the dispositional or TPR agency guardianship order, the agency must request the juvenile court to hold a transition-to-discharge hearing, and the juvenile court must hold the hearing within 30 days after receipt of the request. At the hearing the juvenile court must review with the child the options of being discharged from out-of-home care on termination of the order, continuing in out-of-home care under an extension, or continuing in out-of-home care under voluntary agreement.

If the juvenile court determines that the child wishes to be discharged on termination of the dispositional or TPR agency guardianship order, the juvenile court must advise that they may enter into a voluntary transition-to-independent-living agreement at any time before granted a high school or HSED or reaches 21, whichever occurs first, so long as they are a full-time student at a secondary school or its equivalent and the IEP remains in effect. If the juvenile court determines that the child with an IEP wishes to continue in out-of-home care under a dispositional order, the juvenile court must schedule a hearing for the extension. If the juvenile court determines that the child with an IEP wishes to continue in out-of-home care under a voluntary transition-to-independent-living agreement, the juvenile court must order the agency to provide transition-to-independent-living services.

Since the Department's out-of-home care placement youths are not under court order placement, but are rather placed directly by the Department, the Department would most likely not experience an increase in costs due to the potential extension of out-of-home care placements. Since out-of-home care placement youths under county supervision are placed by county court orders, counties would experience an increase in costs due to extended out-of-home care placements based upon the aforementioned criteria. Since the Department does not have access to placement data for youth under county supervision, the Department cannot readily estimate the potential fiscal impact experienced by local governments.

Long-Range Fiscal Implications