Fiscal Estimate - 2015 Session

☒ Original ☐ Updated ☐ Corrected ☐ Supplemental

LRB Number 15-3394/1	Introduction Number SB-387

Description
Procedures for changing the placement of a child who is subject to a temporary physical custody order or termination of parental rights order of the juvenile court, procedures for amending a consent decree of the juvenile court, emergency change-in-placement procedures for a child who is placed in his or her own home under a dispositional order of the juvenile court, venue in post-dispositional proceedings under the Children's Code and Juvenile Justice Code, procedures for requesting and objecting to a proposed change in placement of a child and for changing the placement of a child when no objection is filed, the appointment of a successor guardian for a child who is subject to a termination of parental rights order of the juvenile court, case closure orders with respect to a child whose dispositional order is terminated, and the effective period of a temporary physical custody order of the juvenile court

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
     ☐ Permissive ☐ Mandatory
  2. ☐ Decrease Costs
     ☐ Permissive ☐ Mandatory

  3. ☐ Increase Revenue
     ☐ Permissive ☐ Mandatory
  4. ☐ Decrease Revenue
     ☐ 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
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Assumptions Used in Arriving at Fiscal Estimate

There is no fiscal effect for most of the changes in this bill; however, there are two changes that may have a fiscal effect on both the counties and the state.

This bill allows the intake worker, the agency, the district attorney, the corporation counsel, a child, the child's counsel or guardian ad litem (GAL), the parent, guardian, legal custodian, or Indian custodian the ability to request a change in placement of a child who is subject to a Temporary Physical Custody (TPC) order.

From January - October 2015 the statewide total number of children that have been removed from their home and subject to a TPC order is 3,462. Of these children, 980 were removed by DMCPS and 2,482 were removed by the balance of state counties. Each of these 3,462 children could be affected by this bill. The average time a child is under a TPC is a few months to a year.

The Department projects that the number of children affected by this change to be minimal; however, by allowing many individuals to make this request, the number of placement change requests may increase. With each placement change request, a hearing must be held which will result in increased staff costs to prepare for each hearing as well as increased litigation costs incurred by both DCF and the counties.

The bill also allows for the agency, the district attorney, the corporation counsel, the child, the legal custodian, or Indian custodian of the child, or any agency responsible for securing the adoption of the child or for establishing the child in a permanent family setting, to request a change in placement of the child who is subject to the Termination of Parental Rights (TPR) order.

Currently, DCF can change the placement of a child without holding a hearing. By allowing these additional individuals to make this request, a hearing will need to be held for each request, which will result in increased litigation costs for both DCF and the counties. Each case can involve 40-50 hours of prep work for a DCF attorney, county district attorney or corporation counsel. Due to the number of hours in prep work involved with each case, a child may remain in their current placement for a longer period of time while the attorney prepares for the hearing.

The Department projects that the number of children affected by this change to be minimal; however, at any given time 300-400 children are subject to a post-TPR order and could be affected. The average number of hours for a case worker to work on a post-TPR case is approximately ten hours. The fiscal effect on the counties and DCF is unknown but may range from 0 hours if no change in placement post-TPR request is received and up to 4,000 hours if all 400 children subject to a post-TPR order had a request made by an individual other than DCF. DCF administers the Special Needs Adoption Program (SNAP) contract that provides case management and adoptive placement services statewide. The implementation of this bill may increase the annual amount of this contract as the need for monitoring the child, home visits and other services provided would continue during a change in placement request.

Out of home placement costs may increase since the child will remain in their current placement while waiting for the hearing to occur. Currently, the statewide average number of months for a child who is

subject to a TPR to be adopted is 7.7 months. Depending on the length of the time the child remains in placement and the type of placement, costs could range from $302,700 to $2.1 million.

Long-Range Fiscal Implications