

Fiscal Estimate Narratives

DHFS 5/2/2007

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| LRB Number 07-0341/1 | Introduction Number AB-0249 | Estimate Type Original |
| Description Conditions prior to disposition for a juvenile who is not being held in secure or nonsecure custody and providing a penalty | | |

Assumptions Used in Arriving at Fiscal Estimate

Under current law, the Juvenile Justice Code allows the court, at the temporary physical custody (TPC) hearing to determine whether a child will remain in custody or be released. If the juvenile is to remain in custody the court may place the juvenile in secured or nonsecure custody or place the juvenile with a parent, guardian, legal custodian or other responsible person. If the court orders the juvenile to remain in custody, the court may impose a variety of conditions and restrictions on the juvenile. If the juvenile violates any of the conditions of the temporary physical custody order, the court may order the juvenile into another placement including secured custody if the juvenile meets the criteria for placement in secured custody. If the juvenile is under nonsecure custody and commits a delinquent act the juvenile is guilty of a Class A misdemeanor.

2007 Assembly Bill 249 (AB 249) expands the conditions that the court may impose on the juvenile who is continued in custody at the temporary physical custody hearing, to include any other conditions considered reasonable necessary to protect the safety and welfare of the juvenile or the community or to prevent intimidation of witnesses during that period.

AB 249 also permits the court to impose the same conditions on a juvenile who is subject to the jurisdiction of the court, but who is not ordered into custody. AB 249 allows the court to impose these conditions at the plea hearing and at the fact finding hearing. The conditions include reasonable restrictions on the juvenile's travel, association with other persons, and place of residence, the ability to place the child under the supervision of an agency, and other conditions reasonably necessary to protect the safety and welfare of the juvenile or community or to prevent intimidation of witnesses while the case is pending, including conditions that the child attend school or submit to electronic monitoring. The court may also place reasonable restrictions on the conduct of the juvenile's parents, guardians, legal custodians, or other person responsible for the juvenile.

If the juvenile violates any of the predispositional conditions, AB 249 allows the court to amend its order, with notice, to place the juvenile in custody for failing to meet conditions. The juvenile may be placed in secured custody if the criteria for placement in that setting are met.

This bill may reduce the amount of federal Title IV-E funding that the Department can claim for juveniles in need of protection services and juvenile delinquency cases. One of the eligibility requirements for Title IV-E funding is that at the first hearing placing the child out of his or her home, the court must make findings that continued placement of the child in his or her home is contrary to the welfare of the child and that the agency has made reasonable efforts to prevent the removal of the child from the home and to safely return the child to the home. These findings are required to be made at the TPC hearing under current law. However, under this bill, the court may amend its order and place the juvenile in custody or an out of home care placement without making such findings. Therefore, some placements made through a TPC hearing that would be IV-E eligible under current law may instead occur through an amendment to the court's predispositional order and may not be eligible for IV-E funding. However, it is not possible to estimate the precise impact of IV-E claiming.

AB 249 would not impact the department's current organization or staffing patterns. The Bureau of Milwaukee Child Welfare does not have responsibility for juvenile delinquents or juveniles in need of protection or services in Milwaukee County. However, this bill could have workload and financial impact on county human and social service agencies that take placement and care responsibility for children in the juvenile system. The workload of county workers may increase due to the heightened level of monitoring counties will have to perform in order to ensure that a child is following the conditions of their release. Furthermore, if children are placed in out of home care, pursuant to the conditions of AB 249, counties would be responsible for the costs of that placement. It is difficult to project how many new children would be placed in out of home care as a result of this bill, and therefore, the Department cannot determine the

fiscal effect.

Long-Range Fiscal Implications