

Fiscal Estimate Narratives

DCF 7/24/2017

LRB Number	17-1302/1	Introduction Number	SB-280	Estimate Type	Original
Description neglect of a child and providing criminal penalties					

Assumptions Used in Arriving at Fiscal Estimate

Under this bill, any person who is responsible for a child's welfare who negligently fails, for reasons other than poverty, to provide the child with necessary care or contributes to the failure is guilty of neglect. The penalties for the crime of neglect, or for contributing to neglect, vary from a Class D felony to a Class A misdemeanor depending on the consequence or risk of the consequence of death, injury, or becoming a victim of a child sex offense.

Necessary care is defined as care that is critical to a child's physical or emotional health, safety, welfare, or development, based on all of the facts and circumstances, such as the child's age, physical or emotional condition, and any special needs of the child. Necessary care includes any of the following: (1) adequate food; (2) adequate clothing; (3) adequate medical care; (4) the opportunity for education; (5) adequate shelter; (6) adequate supervision; and (7) the protection from the exposure to the distribution, manufacture, or use of controlled substances.

The bill also creates a crime of repeated acts of neglect of the same child. If a jury agrees that a person committed at least three acts of neglect against the same child, but does not agree on which acts constitute the three acts, the person is convicted of committing this crime. The penalties for repeated acts of neglect vary from a Class B felony to a Class H felony, depending on the consequence of the repeated acts of neglect.

The fiscal effect of this bill is indeterminate because it is dependent on decisions made by prosecutors and courts to charge and sentence for neglect individuals who, under current law, would not be charged or incarcerated. It is not possible to determine a precise estimate given the uncertainty surrounding the decisions prosecutors and courts may or may not make.

If many additional individuals are incarcerated as a result of this bill, workload, case management costs, and out-of-home care costs in the child welfare system would likely increase. Increased levels of parental incarceration would likely increase the number of children in out-of-home placements, the length of time children spend in out-of-home care placements, and monthly adoption and/or guardianship placements and payments. Impacts on individual counties may be significant depending on county-level decisions made by prosecutors and courts.

However, if very few additional individuals statewide are charged and incarcerated under this bill, the effect on the public child welfare system would be minimal and, correspondingly, the fiscal effect will be minimal. The same would apply to individual counties: If very few additional individuals in a particular county are charged and incarcerated as a result of the authority provided under this bill, the fiscal effect for that county would be minimal.

Any increased costs could be borne by counties, the state, or both entities. Which entity bears these costs would be dependent on where prosecutors and courts elect to exercise the authority provided under the bill and which services in the child welfare system are affected. Some services are the primary responsibility of counties; other services are state-funded.

Approximately two thirds of the out-of-home care caseload is spread across balance of state (BOS) counties. The remaining third is Milwaukee County, whose costs are borne by the state directly. Placement costs vary across counties.

Given these variables, DCF is able to provide only illustrative examples of potential costs. Costs could be much lower or higher depending on prosecutor and court decisions.

If 10 cases statewide resulted in a permanence placement that required guardianship or adoption

assistance payments, and those cases would have resulted in reunification in the absence of this bill, the additional cost would be \$107,760 in year one, using the average monthly cost for adoption assistance of \$898 per month. Costs would increase by that same amount if an additional 10 cases every year resulted in a similar permanency outcome, so year 2 costs would be \$215,520 and year 3 costs would be \$323,280.

Alternatively, reunification may be delayed as a result of parental incarceration. The average cost per child for children from Milwaukee County in out-of-home care is approximately \$2,890 per month. If a neglect case were to result in an additional six months of incarceration for the parent and out-of-home care for the child, the increased cost for this out-of-home placement would be \$17,340 for each child. A neglect case that results in an additional 12 months of incarceration would increase out-of-home care costs by \$34,680.

Long-Range Fiscal Implications