

### Fiscal Estimate - 2019 Session

Original     
  Updated     
  Corrected     
  Supplemental

LRB Number <b>19-2514/1</b>	Introduction Number <b>SB-168</b>
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**Description**  
 facilities for holding juveniles in secure custody

**Fiscal Effect**

**State:**

<input type="checkbox"/> No State Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	
<input type="checkbox"/> Increase Existing Appropriations		<input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Decrease Existing Appropriations		
<input type="checkbox"/> Create New Appropriations		

**Local:**

<input type="checkbox"/> No Local Government Costs	3. <input type="checkbox"/> Increase Revenue	<b>5. Types of Local Government Units Affected</b> <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
<input type="checkbox"/> Indeterminate	4. <input type="checkbox"/> Decrease Revenue	
1. <input checked="" type="checkbox"/> Increase Costs	<input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory	
<input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
2. <input type="checkbox"/> Decrease Costs	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	

<b>Fund Sources Affected</b>	<b>Affected Ch. 20 Appropriations</b>
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	

<b>Agency/Prepared By</b> DHS/ Michael Christopherson (608) 266-9364	<b>Authorized Signature</b> Andy Forsaith (608) 266-7684	<b>Date</b> 6/4/2019
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## Fiscal Estimate Narratives

DHS 6/4/2019

LRB Number	19-2514/1	Introduction Number	SB-168	Estimate Type	Original
<b>Description</b> facilities for holding juveniles in secure custody					

### Assumptions Used in Arriving at Fiscal Estimate

The Mendota Juvenile Treatment Center (MJTC) provides psychological and psychiatric evaluations and treatment for juveniles whose behavior presents a serious problem to themselves or others in juvenile correctional facilities and whose mental health needs can be met by MJTC. The facility is staffed to treat 29 juveniles currently. 2017 Wisconsin Act 185 enacted changes to Wisconsin's juvenile justice system. The Act instructed the Department of Health Services to expand the facility to accommodate no fewer than 29 additional juveniles. The act also established county or regionally operated Secured Residential Care Centers for Children and Youth (SRCCCY) to replace the Lincoln Hills and Copper Lake Schools. The Governor's 2019-21 Budget provides funding to implement the expansion at MJTC as a result of Act 185. The current bill addresses issues affected by Act 185.

Current law provides two methods to transfer juveniles into MJTC. First, if the juvenile is placed in a facility under the supervision of the Department of Corrections (DOC), DOC may transfer the juvenile to MJTC upon the approval of the Department of Health Services. The process is coordinated by DOC and DHS to ensure the youth being transferred are appropriate referrals and with the understanding there is limited treatment space. Second, if the juvenile is placed in a SRCCCY, a court may order the placement of a juvenile at MJTC using a change in placement order, upon the recommendation of DHS. Because the SRCCCYs are still being developed, MJTC has not received any juveniles transferred from a county court under this provision. Under the proposed bill, courts would still be able to place juveniles at MJTC, upon the recommendation of DHS. DHS would only be able to determine the timing of transfers into the facility. The bill also provides the authority for DHS to transfer juveniles back to county department supervision without a hearing or court order. The bill does not extend this statute to juveniles transferred from DOC facilities, and juveniles transferred to MJTC from DOC facilities would remain under DOC's supervision, as they always have been.

DHS expects that the combined provisions of Act 185 and SB 168 will increase demand for MJTC services above current staffed capacity and physical space. Act 185 and SB 168 allow courts in any of Wisconsin's counties to select MJTC as placement facility for juveniles, expanding the pool of potential MJTC referral sources from DOC to 72 county court systems and DOC. DHS expects this will increase demand at MJTC by more than 14 juveniles, the maximum capacity the Department is able to make available for juvenile treatment services within its existing buildings, if it is provided the funding and staffing requested in the Governor's Budget. To the extent Act 185 and SB 168 create demand above MJTC's current capacity, a waitlist would need to be developed.

The Governor's Budget provides \$3,159,500 PR and 50.5 FTE to open a 14-bed expansion, using existing MJTC space. To meet the expansion requirements of 2017 Act 185, the Governor's 2019-21 Capital Budget provides \$44 million in capital funding, to be added to the \$15 million capital budget DHS received in 2017 Wisconsin Act 185, to construct a 50-bed expansion to MJTC that will serve both male and female juveniles. Future biennial budgets will address when to staff and open the expansion, once construction is complete.

Neither SB 168, nor Act 185, established base funding for staffing or operational costs to support an expansion of MJTC. To ensure sufficient revenue to provide MJTC services, DHS will need to receive funding for juveniles transferred from either DOC or a county agency into MJTC. Currently, MJTC is funded through an appropriation transfer from DOC, administered through a memorandum of understanding between DHS and DOC. DOC receives program revenue fees from counties for juvenile correctional services, including those provided at MJTC, though the current daily rate DOC charges counties for juvenile correctional institutional services does not capture the full cost of providing MJTC services. DOC is also budgeted GPR, under 20.410(3)(ba), for juvenile corrections services at MJTC. Section 46.057(2) directs DOC to provide GPR and PR funding to DHS for juveniles transferred to MJTC.

## Long-Range Fiscal Implications