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DATE PREPARED: February 07, 2011
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LB 598

Revision: 00

FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES *				
	FY 2011-12		FY 2012-13	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	61,280		54,890	
CASH FUNDS				
FEDERAL FUNDS	61,280		54,890	
OTHER FUNDS				
TOTAL FUNDS	122,560		109,780	

*Does not include any impact on political subdivisions. See narrative for political subdivision estimates.

This bill would require that a permanency hearing be held no later than three months after a child under age six enters foster care.

Currently permanency hearings must be held within 12 months of when a child enters foster care. This bill would accelerate the work that must be done for children under age six. Approximately 249 children annually would have the earlier hearing date. This would increase the workload of the Department of Health and Human Services by the equivalent of two Children and Family Services Specialists. The cost would be \$122,560 (\$61,280 GF and FF) in FY 12 and \$109,780 (\$54,890 GF and FF) in FY 13.

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LEGISLATIVE FISCAL

LB(1) 0598

FISCAL NOTE

2011

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

State Agency or Political Subdivision Name(2) Department of Health and Human Services

Prepared by: (3) Willard Bouwens

Date Prepared:(4) February 7, 2011

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	FY 2011-2012		FY 2012-2013	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	\$105,401		\$94,410	
CASH FUNDS				
FEDERAL FUNDS	\$17,158		\$15,369	
OTHER FUNDS				
TOTAL FUNDS	\$122,559	\$0	\$109,779	\$0

Return by date specified or 72 hours prior to public hearing, whichever is earlier.

Explanation of Estimate:

Requiring the Department of Health and Human Services (DHHS) to prepare for a permanency hearing for children six (6) years of age or younger within only three (3) months after out-of-home placement, would require that the amount of time spent on cases be greatly increased; that assessments done by DHHS or DHHS contractors, including protective capacity assessments, would be narrowed; and that decisions be made based on far less information than currently is the practice. It also would require a change in timeframes. Currently, DHHS policy allows sixty (60) days in which to develop a case plan. Under the act the plan would have to be done much earlier to allow time for implementation.

Federal statute requires a permanency hearing within twelve (12) months of the child's removal (and no less frequently than every twelve months thereafter). It also requires that a case plan be developed within sixty (60) days of the child's removal. Requiring a permanency hearing within three months after an out-of-home placement is a much more stringent requirement than federal standards.

Statistics are not available for initial hearings by age. The number of hearings may be estimated from figures that are available for the number of hearings between a child's removal date and their most recent permanency hearing date and the total number of children in out-of-home placement by age. (Note that sometimes courts hold review hearings and permanency hearings together and these are not always documented in NFOCUS as permanency hearings by the workers.)

There were (as of December 31, 2010) 1,350 children (DHHS wards) age six or younger in out-of-home placement. This represents approximately 42 percent of all DHHS wards in out-of-home placement.

As of December 31, 2010 there were 661 children who had a hearing within 15 months:

Hearings Held	All Children
Less Than 3 Months	69
3 to 6 Months	66
6 to 9 Months	124
9 to 12 Months	187
12 to 15 Months	215
Total	661

The number of children age 6 or less that would require a hearing within the time frame of the act is estimated by taking 42 percent (i.e. the percentage of children age 6 or younger) of the number within each time frame greater than 3 months. This results in an estimate of 249 children.

Hearings Held	Children	Est No Age 6 or Less
3 to 6 Months	66	28 (42% of 66)
6 to 9 Months	124	52 (42% of 124)
9 to 12 Months	187	79 (42% of 187)
12 to 15 Months	215	90 (42% of 215)
Total	592	249 (Sum of col)

There would be a fiscal impact to the Department of Health and Human Services (or the DHHS contractors) due to the need for smaller caseloads and/or more workers to provide adequate assessments and prepare for the hearings for these estimated 249 children. In order to provide adequate coverage for these cases with the accelerated time frame for hearings it is estimated that it would require the equivalent of two (2) additional Child and Family Services Specialists at a cost of \$122,559 (\$105,401 GF, \$17,158 FF) for the first year and \$109,779 (\$94,410 GF, \$15,369 FF) for the second year.

MAJOR OBJECTS OF EXPENDITURE				
PERSONAL SERVICES:				
POSITION TITLE	NUMBER OF POSITIONS		2011-2012	2012-2013
	11-12	12-13	EXPENDITURES	EXPENDITURES
Child and Family Services Specialist	2	2	\$66,614	\$66,614
Benefits.....			\$23,315	\$23,315
Operating.....			\$17,190	\$16,850
Travel.....			\$3,000	\$3,000
Capital Outlay.....			\$12,440	
Aid.....				
Capital Improvements.....				
TOTAL.....			\$122,559	\$109,779