

**FISCAL NOTE**  
 LEGISLATIVE FISCAL ANALYST ESTIMATE

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES</b> (See narrative for political subdivision estimates)				
	<b>FY 2019-20</b>		<b>FY 2020-21</b>	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

**Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.**

This bill would require application of Nebraska Evidence Rules at parental termination hearings.

The Supreme Court estimates a minimal fiscal impact.

The Department of Health and Human Services (HHS) estimates no fiscal impact from this bill.

The Lancaster County Juvenile Court states that this bill could increase the number and duration of court hearings. See the court’s response which is attached for additional details not included in this fiscal note.

The Lancaster County Attorney’s Office expects a fiscal impact due to the additional costs associated with termination trials. See their detailed response attached.

<b>ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSE</b>			
LB: 92	AM:	AGENCY/POLT. SUB: Supreme Court	
REVIEWED BY: Elton Larson		DATE: 1 /29/2019	PHONE: (402) 471-4173
COMMENTS: No basis to disagree with estimate of minimal fiscal impact to the Supreme Court.			

<b>ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSE</b>			
LB: 92	AM:	AGENCY/POLT. SUB: Dept. of Health and Human Services (DHHS)	
REVIEWED BY: Elton Larson		DATE: 1 /23/2019	PHONE: (402) 471-4173
COMMENTS: No basis to disagree with DHHS estimate of no fiscal impact.			

<b>ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSE</b>			
LB: 92	AM:	AGENCY/POLT. SUB: Lancaster County	
REVIEWED BY: Elton Larson		DATE: 1 /24/2019	PHONE: (402) 471-4173
COMMENTS: No basis to disagree with Lancaster County analysis. Lancaster County did not attempt to estimate fiscal impact.			

Please complete ALL (5) blanks in the first three lines.

**2019**

**LB<sup>(1)</sup> 92**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> 05 Supreme Court

Prepared by: <sup>(3)</sup> Eric Asboe Date Prepared: <sup>(4)</sup> 1/28/19 Phone: <sup>(5)</sup> 1-4138

**ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION**

	<u>FY 2019-20</u>		<u>FY 2020-21</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

Explanation of Estimate:

Minimal fiscal impact.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2019-20</u>	<u>2020-21</u>
	<u>19-20</u>	<u>20-21</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

**ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION**

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

Prepared by: (3) Mike Michalski

Date Prepared 1-14-19

Phone: (5) 471-6719

	<u>FY 2019-2020</u>		<u>FY 2020-2021</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
<b>GENERAL FUNDS</b>				
<b>CASH FUNDS</b>				
<b>FEDERAL FUNDS</b>				
<b>OTHER FUNDS</b>				
<b>TOTAL FUNDS</b>	\$0	\$0	\$0	\$0

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

**Explanation of Estimate:**

There is no fiscal impact to the Department of Health and Human Services.

**MAJOR OBJECTS OF EXPENDITURE**

**PERSONAL SERVICES:**

POSITION TITLE	NUMBER OF POSITIONS		2019-2020 EXPENDITURES	2020-2021 EXPENDITURES
	19-20	20-21		
Benefits.....				
Operating.....				
Travel.....				
Capital Outlay.....				
Aid.....				
Capital Improvements.....				
<b>TOTAL.....</b>			\$0	\$0

Please complete ALL (5) blanks in the first three lines.

2019

LB<sup>(1)</sup> 92

FISCAL NOTE

State Agency OR Political Subdivision Name: <sup>(2)</sup> Lancaster County

Prepared by: <sup>(3)</sup> Christopher Turner  
Lancaster County  
Attorney's Office

Date Prepared: <sup>(4)</sup> 1/18/2019

Phone: <sup>(5)</sup> 402-441-7342

**ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION**

	<u>FY 2019-20</u>		<u>FY 2020-21</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	<u>\$0</u>	_____	<u>\$0</u>
CASH FUNDS	_____	<u>\$0</u>	_____	<u>\$0</u>
FEDERAL FUNDS	_____	<u>\$0</u>	_____	<u>\$0</u>
OTHER FUNDS	_____	<u>\$0</u>	_____	<u>\$0</u>
TOTAL FUNDS	<u>_____</u>	<u>\$0</u>	<u>_____</u>	<u>\$0</u>

**Explanation of Estimate:**

Lancaster County would expect to see a fiscal impact as a result of LB92 due to the additional costs associated with the termination trials necessary to secure safety and permanency for children who have been abused and neglected. Between 2015 and 2018, Lancaster County conducted termination trials involving over one hundred children.

Under LB92, Lancaster County could be required to produce live testimony to lay foundation for documentation produced by service providers working with families during the court ordered rehabilitative plan. These services are typically in place for at least one year, but often for several years. Lancaster County could be required to produce live testimony from service providers including, but not limited to: visitation supervisors, family support workers, intensive family preservation staff, nurses, school employees, domestic violence intervention staff, therapists, drug and alcohol counselors, and drug and alcohol test technicians. Each of these witnesses would need to be served with subpoenas by the county sheriff at a cost of \$18 per witness. Additionally, each witness would be entitled to a witness fee of \$25 per day. Lancaster County could also be required to produce live witness testimony from providers such as pediatricians, emergency room doctors, psychiatrists, etc. Expert witnesses such as these often charge counties hundreds of dollars per hour for time spent both in court and in preparation for testifying.

Lancaster County would also anticipate some financial impact due to the lengthening of termination trials for required foundational witnesses to testify. Each attorney appointed to indigent parties in a juvenile court case are paid \$65 per hour. These attorneys represent each parent, step-parent, or guardian, as well as the Guardian Ad Litem for the children. There are commonly at least three appointed attorneys per case.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2019-20</u>	<u>2020-21</u>
	<u>19-20</u>	<u>20-21</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....			_____	_____
Operating.....			_____	_____
Travel.....			_____	_____
Capital outlay.....			_____	_____
Aid.....			_____	_____
Capital improvements.....			_____	_____
TOTAL.....			_____	_____

Please complete ALL (5) blanks in the first three lines.

**2019**

**LB<sup>(1)</sup> 92**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> Lancaster County

Prepared by: <sup>(3)</sup> Theresa Emmert, Date Prepared: <sup>(4)</sup> 1/15/19 Phone: <sup>(5)</sup> (402) 441-5646  
Juvenile Court Administrator

**ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION**

	<u>FY 2019-20</u>		<u>FY 2020-21</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	<u>Unknown</u>	<u>0</u>	<u>Unknown</u>	<u>0</u>

**Explanation of Estimate:**

Lancaster County Juvenile Court has a procedure currently in place to approve expert witness fees that, by all accounts, is working appropriately and efficiently. LB 92 would dilute this process and increase the number and duration of court hearings. The potential increase could be substantial and cannot be quantified at this time.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2019-20</u>	<u>2020-21</u>
	<u>19-20</u>	<u>20-21</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____