

FISCAL NOTE
 LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES *				
	FY 2009-10		FY 2010-11	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	See below		See below	

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

This bill is a comprehensive and complete re-write of the Nebraska Juvenile Code. The most divergent change from the current juvenile code is the provision of a wide range of services without requiring the child to become a state ward. A petition can be filed under “child in need of state services” meaning a child who is twelve years of age or older for whom there is no pending investigation into a report of abuse, neglect, or abandonment; no pending petition alleging the child is in need of state rehabilitation; no current services by the court; no pending criminal charges; or no current placement or commitment to the court or the Office of Juvenile Services. The position of Child Services Administrator is created in the Office of Probation Administration. This position would be responsible for nonjudicial proceedings involving a family in need of state services. The administrator may contract with providers to provide services and treatment. Parents or legal guardians would be required to cover the costs on an ability to pay basis. Another method of petitioning the court is “child in need of mental health treatment” meaning a child (1) who, as a result of a mental disorder (a) is in danger of serious physical harm or (b) manifests a serious risk of serious physical harm to himself or herself or to others and (2) for whom immediate mental health treatment can be obtained only through an involuntary placement in a mental health center. All costs of custody and placement under this filing shall be the responsibility of the county where the child was taken into custody. The bill also increases the age in which children may be able to continue to receive services. In cases when a child in deemed amendable to treatment, the age is changed from 21 to up to age 25. The age under which a child in the juvenile justice system may remain in the system is increased from 18 to 19. An overarching provision of the bill is that the provisions of the bill shall be liberally applied. The Department of Health and Human Services is required to insure all necessary services to affect the purposes of the juvenile code are available to every child committed to the court and to the child’s family.

The cost of this bill would be substantial and cannot be determined without extensive study. The Department of Health and Human Services estimates the cost of this bill to be approximately \$35 million in general funds. This is a combination of increased service provision, more children being provided services and the potential loss of federal funding. The Crime Commission estimates a loss of over \$1 million in federal funds due to provisions that would place the state out of compliance with Office of Juvenile Justice Delinquency Prevention. The Office of Probation would have significant costs relating to the child in need of services provisions of this bill. No estimate is available. The counties would also incur costs relating to the provision of services under children in need of state mental health treatment. Those costs would vary from county to county and would be substantial.

DEPARTMENT OF ADMINISTRATIVE SERVICES

REVIEWED BY	Elton Larson	DATE	2/23/09	PHONE	471-2526
COMMENTS					
CRIME COMMISSION: Agency analysis appears reasonable. DEPARTMENT OF HEALTH AND HUMAN SERVICES: Agency estimates and analysis appear reasonable. LANCASTER COUNTY YOUTH SERVICES CENTER: Concur.					