

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 6241-01
Bill No.: HB 2439
Subject: Children and Minors; Children's Division; Department of Corrections; Prisons and Jails
Type: Original
Date: April 15, 2016

Bill Summary: This proposal establishes a pilot program to increase the visitation rights of children with incarcerated parents.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
General Revenue	(Unknown - could exceed \$100,000)	(Unknown - could exceed \$100,000)	(Unknown - could exceed \$100,000)
Total Estimated Net Effect on General Revenue	(Unknown - could exceed \$100,000)	(Unknown - could exceed \$100,000)	(Unknown - could exceed \$100,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on FTE	0	0	0

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Oversight was unable to receive some of the agency responses in a timely manner due to the short fiscal note request time. Oversight has presented this fiscal note on the best current information that we have or on prior year information regarding a similar bill. Upon the receipt of agency responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval of the chairperson of the Joint Committee on Legislative Research to publish a new fiscal note.

In response to a similar bill from 2014 (HB 1541), officials from the **Department of Corrections (DOC)** stated they currently have several parenting programs in place for incarcerated mothers that focus on providing them access to their children as well as enhancing their parenting skills, i.e., Parents as Teachers, Parents and Their Children (PATCH), 4H-LIFE, Story Link, Girl Scouts Beyond Bars, etc.

The DOC's Division of Adult Institutions (DAI) does not currently have the funding for the staff, vehicles or resources to provide transportation and is unsure if additional General Revenue funds exist for further appropriations that would be necessary to cover this expenditure if this bill were passed into law. It would be necessary to hire one additional caseworker, at a minimum, at each facility to manage this project and possibly clerical support as well. Fringe benefits and associated one-time and ongoing expense and equipment would also be required in addition to the ongoing personal service funds to cover the salary of the FTE.

Transportation of children and their parent/guardian via DOC creates a liability issue for the state as the majority of these are private citizens. This liability issue could be avoided by paying a public transportation provider to transport the children and their parent/guardian, however, the funding dilemma is the same. This project is to focus on children who live fifty or more miles from the facility, likely making the cost to transport them an unknown but a substantial amount per each fiscal year. There is no means by which to project the number of persons impacted. The resulting transportation expenditures or potential costs for the project due to unknown program implementation via collaboration with DFS/DSS.

In summary, the fiscal impact has the potential to be substantial and is therefore an Unknown amount of cost per each fiscal year and could easily exceed \$100,000 per annum.

ASSUMPTION (continued)

In response to a similar bill from 2014 (HB 1541), officials from the **Department of Social Services (DOS) - Children's Division (CD)** stated if the intent of this bill is that the Children's Division would collaborate with the Department of Corrections in this pilot project to create the access children in the custody of the Children's Division have to their incarcerated mothers, the provisions of this bill are within the scope of the Children Division's statutory authority. The Children's Division may transport children in Division custody for visitation with their incarcerated parent as long as the court does not prohibit access based on the parent's crime, the age of the child and what is in the best interest of the child.

If, however, the intent of this bill is for the Children's Division to transport children who are not involved with the Division and not in Division custody, the provisions of this bill would be beyond the scope of the Division's authority. Transportation of children not in Division custody would create serious liability issues for the Division. This bill provides that the project will focus, but not be limited to children who live 50 or more miles from the facility where the mother's are incarcerated, likely making the cost to transport them an unknown but substantial amount per each fiscal year. There is no means by which to project the number of persons impacted, the resulting transportation expenditures or potential costs for the project could be substantial.

Depending on the intent of this bill, the Division could have a fiscal impact of zero or the Division could have an unknown impact but greater than \$100,000.

In response to a similar bill from 2014 (HB 1541), officials from the **Office of the Secretary of State (SOS)** assumed many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The Secretary of State's office is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to Secretary of State's office for Administrative Rules is less than \$2,500. The Secretary of State's office recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, we also recognize that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what our office can sustain with our core budget. Therefore, we reserve the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

In response to a similar bill from 2014 (HB 1541), officials from the **Joint Committee on Administrative Rules** assumed the legislation is not anticipated to cause a fiscal impact beyond their current appropriation.

ASSUMPTION (continued)

The two-year pilot project starts on January 1, 2017. Therefore, **Oversight** will assume the Department of Corrections and the Department of Social Services will incur their unknown amount of expenses in fiscal years 2017, 2018 and 2019. Oversight assumes total expenses could exceed \$100,000 in each year.

<u>FISCAL IMPACT - State Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
GENERAL REVENUE			
<u>Costs</u> - Department of Corrections To implement the pilot project	(Unknown)	(Unknown)	(Unknown)
<u>Costs</u> - Department of Social Services To implement the pilot project	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	(Unknown - could exceed <u>\$100,000</u>)	(Unknown - could exceed <u>\$100,000</u>)	(Unknown - could exceed <u>\$100,000</u>)

<u>FISCAL IMPACT - Local Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

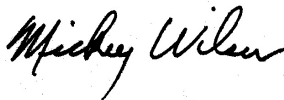
Beginning January 1, 2017, this bill requires the Department of Corrections, in cooperation with the Children's Division within the Department of Social Services, to establish a two-year pilot project to increase the access that children, from birth to 17 years of age, have to an incarcerated parent who still has his or her parental rights, unless that parent has pled or been found guilty of certain offenses and crimes where the victim was a child.

The project will cover two facilities that house women and two facilities that house men. The Department of Corrections and the division must collaborate to develop and implement the project by providing transportation for visits with the parent once a month or through any other means available to increase children's visitation with parents who still have parental rights. Transportation for the child and his or her caretaker must be provided, and the caretaker is required to attend the visit. The project must focus on, but cannot be limited to, children who live 50 miles or more from the facility where the parent is incarcerated.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Corrections
Department of Social Services
Office of the Secretary of State
Joint Committee on Administrative Rules



Mickey Wilson, CPA
Director
April 15, 2016

Ross Strobe
Assistant Director
April 15, 2016