

**FISCAL NOTE**  
**LEGISLATIVE FISCAL ANALYST ESTIMATE**

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES</b> (See narrative for political subdivision estimates)				
	<b>FY 2018-19</b>		<b>FY 2019-20</b>	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	See Below		See Below	

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

This bill adds an additional condition on which the court may terminate parental rights. The additional condition is when a child under the age of three has been in out-of-home care for a cumulative total period of time of six months or longer and the parent has substantially neglected or willfully refused to remedy the circumstances that caused the child to enter out-of-home care.

The fiscal impact cannot be determined. The out-of-home cost per day is \$41.76 and the adoption subsidy cost is \$27.40 per day. The average amount of time before reunification for children in this age range is seven and a half months. If a child is reunified the out-of-home costs cease, but for an adoption, the costs continue until the child reaches the age of 19. Although there would be an additional cost to state general fund, if a child is prematurely adopted that would otherwise have been reunited, it seems that this is unlikely to occur very often if ever. The conditions in which the child could be freed for adoption sooner are due to the parents' unwillingness to remedy the situation or have substantially neglected to do so. These would be evaluated on a case-by-case basis and if the circumstances change where a parent has not acted in a manner to be reunified during the six months that the child is in out-of-home care but the parent shows signs that they will, it's unlikely a petition would be filed, and if filed the court may allow more time for the parent to remedy the situation. Conversely, there would also be cases where children who will ultimately be adopted and the adoption is accelerated because of the provision in this bill. In these cases, there would be state general fund savings as the adoption subsidy is less than the foster care rate.

<b>ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSE</b>		
LB: 863	AM:	AGENCY/POLT. SUB: Department of Health and Human Services (DHHS)
REVIEWED BY: Elton Larson	DATE: 1/31/2018	PHONE: <a href="tel:4024714173">(402) 471-4173</a>
COMMENTS: DHHS unable to estimate fiscal impact associated with LB 863 due to the inability to quantify variables involved in the administration of the bill.		

<b>ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSE</b>		
LB: 863	AM:	AGENCY/POLT. SUB: Supreme Court
REVIEWED BY: Elton Larson	DATE: 1/30/2018	PHONE: <a href="tel:4024714173">(402) 471-4173</a>
COMMENTS: Supreme Court does not identify a need for additional appropriation through FY 2019-20.		

**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: 01/11/2018

Phone: (5) 471-5046

	<u>FY 2018-2019</u>		<u>FY 2019-2020</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>	See Below		See Below	

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

**Explanation of Estimate:**

LB 863 adds grounds for termination of parental rights for juveniles under the age of three that have been in out of home placement for 6 months or longer and the parent is not working to remedy the situation. Data from the past year indicates that a child in this age group will spend 224 days as a ward of the state on average prior to reunification.

A child in foster care at the essential rate for this age group costs an estimated \$41.76 per day. This child could be back in home with no subsidy as long as the parental rights have not been terminated and the case has been closed. If a child would be adopted following a termination of parental rights, there could be an adoption subsidy of an estimated \$27.40 per day for the child's adoptive parents until the age of 19.

DHHS realizes that there are possible costs associated with this bill but cannot determine how many children will be impacted by this bill or how many attorneys will file a motion to terminate parental rights as each case is different. DHHS acknowledges that any costs to the program will impact total general fund expenditures based on placement at the program level and length of stay in each program.

**MAJOR OBJECTS OF EXPENDITURE**

PERSONAL SERVICES:	NUMBER OF POSITIONS		2018-2019	2019-2020
	POSITION TITLE	18-19	19-20	EXPENDITURES
Benefits.....				
Operating.....				
Travel.....				
Capital Outlay.....				
Aid.....				
Capital Improvements.....				
<b>TOTAL.....</b>			<b>\$0</b>	<b>\$0</b>

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**2018**

**LB<sup>(1)</sup> 863**

**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> 1/28/18 Phone: <sup>(5)</sup> 1-4138

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

	<u>FY 2018-19</u>		<u>FY 2019-20</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:**

Judicial and court workload could increase as a result of LB863, but the amount of increase cannot be determined. No additional resources needed at this time.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2018-19</u>	<u>2019-20</u>
	<u>18-19</u>	<u>19-20</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____