



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2023 Biennium

Bill #	HB0090	Title:	Create an emergency protective services hearing in CPS removals
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Primary Sponsor:	Lenz, Dennis R	Status:	As Introduced
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- Significant Local Gov Impact
 Needs to be included in HB 2
 Technical Concerns
 Included in the Executive Budget
 Significant Long-Term Impacts
 Dedicated Revenue Form Attached

FISCAL SUMMARY

	<u>FY 2022</u> <u>Difference</u>	<u>FY 2023</u> <u>Difference</u>	<u>FY 2024</u> <u>Difference</u>	<u>FY 2025</u> <u>Difference</u>
Expenditures:				
General Fund	\$0	\$0	\$0	\$0
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

Description of fiscal impact: HB 90 requires a district court to hold an emergency protective services hearing within five days of a child's removal. HB 90 may require additional work from the Department of Public Health & Human Services, the Office of the State Public Defender and the Judicial Branch. While some of the agencies involved may experience increased caseloads due to the additional hearing, there is no cost to the state of Montana.

FISCAL ANALYSIS

Assumptions:

Department of Public Health and Human Services (DPHHS)

1. HB 90 requires an emergency protective services hearing within five business days of a child's removal. Current law requires the Department to file an abuse and neglect petition within the same statutory timeline. The work to prepare for filing the abuse and neglect petition will be used for the emergency protective services hearing, and no additional costs will be incurred.

Office of the State Public Defender (OPD)

2. The increased volume of hearings required to comply with this legislation may require additional staffing dedicated to family courts. While HB 90 requirements may increase staff caseloads, the OPD is unable to quantify a fiscal impact.

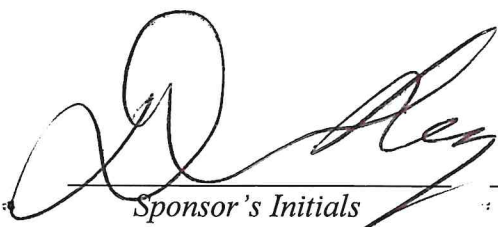
Judicial Branch

- 3. This act provides for a hearing within five business days of child's removal from the home pursuant to 41-3-301. At the hearing, the court is required to determine if out-of-home placement is warranted and if so, the court shall establish guidelines for visitation and custody.

Technical Notes:

Judicial Branch

- 1. Adding an additional hearing and additional findings within five days will increase judicial workload. However, the Judicial Branch is unable to estimate the impact on judicial workload or the fiscal impact. The cumulative impact of such legislation may eventually require additional judicial resources because the court dockets currently are full in many judicial districts throughout the state.

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Sponsor's Initials

1-13-21 _____
Date

KA _____
Budget Director's Initials

1/12/21 _____
Date