



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2025 Biennium

Bill information:	
HB0207 - Revise child abuse and neglect reports and investigation laws (Marshall, Ron)	
Status:	As Introduced

- | | | |
|---|---|--|
| <input type="checkbox"/> Significant Local Gov Impact | <input checked="" type="checkbox"/> Needs to be included in HB 2 | <input checked="" type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input checked="" type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

FISCAL SUMMARY

	<u>FY 2024 Difference</u>	<u>FY 2025 Difference</u>	<u>FY 2026 Difference</u>	<u>FY 2027 Difference</u>
Expenditures:				
General Fund	\$171,604	\$162,051	\$164,838	\$158,277
Federal Special Revenue	\$104,230	\$96,708	\$98,003	\$43,903
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Federal Special Revenue	\$104,230	\$96,708	\$98,003	\$43,903
Net Impact-General Fund Balance:	(\$171,604)	(\$162,051)	(\$164,838)	(\$158,277)

Description of fiscal impact: HB 207 requires that interviews conducted during a child abuse or neglect investigation, or safety and risk assessment be recorded with both video and audio by the Child and Family Services Division (CFSD), and accessible to affected parties. These files would then need to be stored and be made available for provision to families upon request, per section 1 (4). Although the law currently permits this, current practice does not include recording interviews; these will be new costs to the Department of Public Health and Human Services (DPHHS/the department)

FISCAL ANALYSIS

Assumptions:

- The department currently conducts an average of 7,567 investigations with eight interviews per investigation resulting in 60,536 interviews each year. (7,657 investigations X 8 interviews = 60,536 interviews). Interviews have an average duration 30 minutes resulting in 30,268 hours of audio and video data that will need to be stored on the department's existing content management system, Perceptive Content. (60,536 interviews x 30 minutes = 1,816,080 minutes / 60 minutes/hour = 30,268 hours)

- a. Interviews will be stored a minimum of three years with an estimated 20% of interviews or 6,054 hours needing to be stored for up to 25 years (per the records retention requirements for child abuse and neglect records).
2. The department’s content storage software would need to be expanded to accommodate the estimated 30,268 hours of audio and videotape.
 - a. Each of the 30,268 hours of interview require 0.4 gigabytes of storage. The total needed storage is 12,107 gigabytes, or 13 terabytes for FYs 2024 through FY 2026, and 15 terabytes in FY 2027.
 - b. One terabyte of storage costs \$1,800 in the first two years with a 1.5% inflationary increase in FY 2026 and FY 2027 resulting in an estimated cost of \$23,400 in FY 2024 and FY 2025, \$23,751 in FY 2026 and \$5,563 each year for the required 25-year retention period.
 - c. The purchase of storage in a fiscal year is one-time in nature and is not additive in consecutive fiscal years. For example, the cost of 13 terabytes purchased in FY 2024 do not carry over into other fiscal years. In addition, the retention estimates in Assumption 1(a) would allow DPHHS to delete 80% of the records from FY 2024 in FY 2027, thus reducing the need for storage space and reduced costs.

	FY2024	FY2025	FY2026	FY2027
Estimated Hours requiring additional storage	30,268	30,268	30,268	6,054
Additional Gigabytes	12,107	12,107	12,107	2,421
Additional Terabytes	13	13	13	3
Cost per Terabyte	\$ 1,800	\$ 1,800	\$ 1,827	\$ 1,854
Total Cost per Year	\$ 23,400	\$ 23,400	\$ 23,751	\$ 5,563

3. The Montana Family Safety Information System (MFSIS), which is the case management system used by Child and Family Services Division, will be used to integrate the audio and video files uploaded to Perceptive Content. The service would be procured through the State Information Technology Services Division (SITSD) at \$120/hour per the SITSD catalog. The department estimates 100 hours of system updates totaling \$12,000 of operating costs in FY 2024.
4. Section 1 (4) requires that an unedited audio or video with audio be provided to the family upon request. This section is still subject to 41-3-205(3), which provides for the release of records to families “unless disclosure of the records is determined to be detrimental to the child or harmful to another person who is a subject of information contained in the records...”. Current records release requires review of records and potential redaction prior to releasing to the requestor. The department currently receives an average of 672 case records requests per year. This results in 5,376 interviews each year requiring review and redaction. Each interview is 30 minutes long and will take an additional 15 minutes to redact the interview totaling 45 minutes per interview. It is estimated to take 4,032 hours each year to review and redact interviews. The department estimates requiring 2.0 FTE Business Analyst 2’s to support the redaction of sensitive video content for compliance with state statute. Salary and benefits for these positions are estimated at \$162,834 in FY 2024 and \$163,359 in FY 2025. A one-time only office set up cost is estimated at \$5,600 in FY 2024 and operating costs associated with the FTE are estimated at 3% of personal services.

Long Term Impacts:

1. The fiscal note only reflects the costs associated with the long-term retention of 20% of recordings from FY 2024, as reflected in FY 2027 in the table in Assumption 2(c). The state will incur additional costs associated with the storage of the 20% of additional fiscal years, but those costs are not reflected in this fiscal note.

Technical Notes:

1. HB 207 would require all interviews conducted as part of a child abuse or neglect investigation or a safety and risk assessment to be audiotaped or videotaped, which may implicate individual privacy rights (constitutional and statutory) of anyone to be recorded.
 - a. Many interviews could rely on the consent of the individual being interviewed, and if the individual refused consent to be recorded, then they likely could not be interviewed.
 - b. The impact of requiring recording, and whether that impacts reporting of suspected abuse is unknown.
2. Montana law requires the consent of all parties for a conversation to be recorded (see § 45-8-213, MCA).
3. The individual to be recorded would need to be informed of the recording (and their right to refuse consent to being recorded); an advisory of rights may be required to be given to an individual prior to their providing actual consent to being recorded.
4. Confidentiality of child abuse and neglect reports and investigations, and associated records, including interview recordings, are protected (see § 41-3-205, MCA).
5. Recordings of interviews will become part of the child abuse and neglect case record and subject to discovery. The discovery process differs across judicial districts, requiring the department to comply with multiple disclosure processes for these types of files. The fiscal impact to the department is unknown.
6. Assumption #1(a) estimates that only 20% of the cases will be stored for more than three years. The actual costs of HB 207 will vary depending on the actual number of cases needing storage beyond three years.

Sponsor's Initials

Date

Budget Director's Initials

Date



1-17-23