



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2025 Biennium

**Bill information:**

HB0323 - Revise laws related to child protective teams (Hinkle, Caleb )

**Status:** As Introduced

- 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 2024</u> <u>Difference</u>	<u>FY 2025</u> <u>Difference</u>	<u>FY 2026</u> <u>Difference</u>	<u>FY 2027</u> <u>Difference</u>
<b>Expenditures:</b>				
General Fund	\$294,469	\$294,469	\$298,886	\$303,370
State Special Revenue	\$0	\$0	\$0	\$0
Federal Special Revenue	\$126,201	\$126,201	\$128,094	\$130,016
<b>Revenue:</b>				
General Fund	\$0	\$0	\$0	\$0
State Special Revenue	\$0	\$0	\$0	\$0
Federal Special Revenue	\$126,201	\$126,201	\$128,094	\$130,016
<b>Net Impact-General Fund Balance:</b>	<u>(\$294,469)</u>	<u>(\$294,469)</u>	<u>(\$298,886)</u>	<u>(\$303,370)</u>

**Description of fiscal impact:** Current statute allows for the establishment of child protection teams in each county, but does not require them. HB 323 makes mandatory the establishment of a child protective team in each county, revises the membership and duties of the child protective team and adds requirements that the child protection team determine if a child should be removed from their parent(s) or legal guardian(s). Mandatory participation in child protection teams for every removal would be an additional requirement for existing staff, resulting in substantial overtime for child protection specialists.

### FISCAL ANALYSIS

**Assumptions:**

- HB 323 establishes the criteria for the frequency of meeting, requiring at least monthly meetings, meeting at the request of any member, and meeting to review removals of children from a parent or legal guardian. Currently, child protection teams exist to varying degrees in most, if not all counties. Generally, teams meet monthly. The department does not anticipate increased costs associated with the requirements to meet at least monthly and at the call of any member of the team.

2. The additional requirement of convening a team no sooner than 48 hours before a removal of a child from a parent or legal guardian, or within 72 hours of a removal of a child at risk of death or serious physical harm, is in addition to work already required by federal regulation or state law under increasingly shortened timeframes. HB 323 does not alleviate the department from other required, necessary and time-consuming work. Child protection teams reviewing removals may convene during normal business hours. However, adding a significant new process dependent on the participation of eight independent members to the existing workload results in opportunity cost of other required work, and would thus result in substantial overtime of existing staff.
3. There were 1,390 children removed from their parent(s) or guardian(s) during FY 2022. The department estimates that it will take three hours for a child protection specialist (CPS) to present a removal case to the child protection team. Section 1 of the bill states that a CPS not involved in the case shall be on the child protective team. However, the facts leading to the decision to remove is the responsibility of the assigned caseworker. The department anticipates that the assigned caseworker will also be present at the child protection team meeting to provide information and respond to questions by members of the team. Therefore, each case shall require two CPSs to be present at each meeting regarding the decision to remove a child. (1,390 removals X 3 hours per removal X 2 CPS per removal = 8,340 hours per year).
4. It is estimated that the participation in child protection teams will occur at an average of \$50.44 per overtime hour cost of CPS staff. (8,340 hours per year X \$50.44 average hourly cost = \$420,670 in FY 2024 and FY2025). Annual costs for personal services are estimated to increase 1.5% in FY 2026 and FY 2027.
5. CFSD administrative expenditures are federally allowable expenditures under Title IV-E of the Social Securities Act at a federal participation rate of 30%, the remaining 70% of expenditures are funded with state general funds.

	<u>FY 2024</u> <u>Difference</u>	<u>FY 2025</u> <u>Difference</u>	<u>FY 2026</u> <u>Difference</u>	<u>FY 2027</u> <u>Difference</u>
<b><u>Fiscal Impact:</u></b>				
<b>FTE</b>	0.00	0.00	0.00	0.00
<b><u>Expenditures:</u></b>				
Personal Services	\$420,670	\$420,670	\$426,980	\$433,385
<b>TOTAL Expenditures</b>	<u>\$420,670</u>	<u>\$420,670</u>	<u>\$426,980</u>	<u>\$433,385</u>
<b><u>Funding of Expenditures:</u></b>				
General Fund (01)	\$294,469	\$294,469	\$298,886	\$303,370
State Special Revenue (02)	\$0	\$0	\$0	\$0
Federal Special Revenue (03)	\$126,201	\$126,201	\$128,094	\$130,016
<b>TOTAL Funding of Exp.</b>	<u>\$420,670</u>	<u>\$420,670</u>	<u>\$426,980</u>	<u>\$433,385</u>
<b><u>Revenues:</u></b>				
General Fund (01)	\$0	\$0	\$0	\$0
State Special Revenue (02)	\$0	\$0	\$0	\$0
Federal Special Revenue (03)	\$126,201	\$126,201	\$128,094	\$130,016
<b>TOTAL Revenues</b>	<u>\$126,201</u>	<u>\$126,201</u>	<u>\$128,094</u>	<u>\$130,016</u>
<b><u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u></b>				
General Fund (01)	(\$294,469)	(\$294,469)	(\$298,886)	(\$303,370)
State Special Revenue (02)	\$0	\$0	\$0	\$0
Federal Special Revenue (03)	\$0	\$0	\$0	\$0

**Technical Notes:**

1. Federal guidance under Child Abuse, Prevention and Treatment Act (CAPTA) Sec 106 (b)(2)(iv,vi) requires states to investigate and take immediate steps to ensure and protect the safety of a victim of child abuse or neglect. HB323 changes this responsibility to the child protection team which under this bill would move the responsibility to the county commissioners. The team could vote to not complete an investigation that would put children at further risk of harm.
2. Section 1 of HB323 establishes a child protection team in each county and revises the duties of a child protection team to include the determination of removal of a child and whether the child abuse or neglect investigation should be continued. Child protection teams appointed by County Commissioner who have no training in child welfare could lead to inaccurate and inconsistency criteria when voting on child safety across the state. Each team consists of 8 voting members with no description of what occurs if there is a tie vote. Furthermore, child protection specialist staff have formal education in social services work and undergo extensive and continuous training to assist in removal determination that members of the child protection team may not have.
3. Section 1 41-3-108 (4)(a) requires the child protection team to convene no more than 48 hours before a child is removed from a parent. CFSD is not able to predict when an emergency removal of a child will be necessary to protect him/her from abuse or neglect, therefore this statutory requirement is not functional.
4. Section 2 41-3-301 (1)(b) requires an approval by the child protection team prior to a removal unless the child is at risk of death or serious physical harm. This does not account for all the other substantial harm that occurs to children, i.e. sexual abuse, exposure to dangerous drugs, and exposure to family member violence.

**NOT SIGNED BY SPONSOR**

*Sponsor's Initials*

*Date*



*Budget Director's Initials*

*2-2-23*

*Date*