



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2025 Biennium

<b>Bill information:</b>	
SB0148 - Revise laws regarding legal representation of children (Lenz, Dennis R)	
<b>Status:</b>	As Introduced

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Significant Local Gov Impact     | <input checked="" type="checkbox"/> Needs to be included in HB 2 | <input type="checkbox"/> Technical Concerns              |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts           | <input type="checkbox"/> 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	\$618,342	\$618,342	\$627,617	\$637,031
Federal Special Revenue	\$271,359	\$271,359	\$275,429	\$279,560
<b>Revenue:</b>				
General Fund	\$0	\$0	\$0	\$0
Federal Special Revenue	\$271,359	\$271,359	\$275,429	\$279,560
<b>Net Impact-General Fund Balance:</b>	<u>(\$618,342)</u>	<u>(\$618,342)</u>	<u>(\$627,617)</u>	<u>(\$637,031)</u>

**Description of fiscal impact:** SB 148 requires legal representation for children involved with child abuse and neglect cases that are eligible for federal Title IV-E reimbursement.

### FISCAL ANALYSIS

**Assumptions:**

**Department of Public Health & Human Services (DPHHS)**

1. Legal representation of children in dependent neglect cases are eligible for federal Title IV-E reimbursement. The calculation for Title IV-E eligible expenditures is based on Montana Title IV-E blended saturation rate and the federal participation rate of allowable expenses.
2. The Montana Title IV-E blended saturation rate is based on Title IV-E eligible children in foster care, adoption and guardianship placements and eligible activities. The Title IV-E saturation rate changes per quarter but is approximately 61% and the federal participation rate for quality legal representation is 50%. A table splitting out the IV-E funding and state funding can be found in Assumption #9.

**Office of Public Defender (OPD)**

3. Regarding the new requirement to hold EPS hearings within 72 hours, OPD anticipates it would assign counsel to represent OPD clients in roughly 665 EPS hearings per year of the biennium. At least one party will always