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FISCAL IMPACT REPORT

ORIGINAL DATE 03/11/13

SPONSOR Tripp LAST UPDATED _____ HM 93

SHORT TITLE Uniform Access to Children's Services SB _____

ANALYST Chavez

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		Indeterminate				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Children, Youth and Families Department (CYFD)
 Department of Health (DOH)
 Human Services Department (HSD)
 Administrative Office of the District Attorney (AODA)

SUMMARY

Synopsis of Bill

House Memorial 93 reconvenes the steering committee created by HM 21 to devise a detailed plan to accomplish the goals of the Children's Code as identified in the memorial, with an emphasis on accomplishing these goals across the state. The steering committee is to partner with OptumHealth New Mexico and juvenile justice boards to create an intake screening process for first-time offenders with high behavioral needs so that services can be provided as an alternative to being processed in the juvenile justice system.

The memorial also requests that the legislature consider funding the New Mexico gang task force and reinstating appropriations to the family and youth resource fund and the juvenile continuum grant fund.

Finally the steering committee is requested to report their plan and recommendations to the appropriate interim legislative committees by December 1, 2013.

FISCAL IMPLICATIONS

This memorial requests appropriations from the Family and Youth Resources Fund and the Juvenile Continuum Fund to assist in providing program and resource availability to rural areas.

According to the Administrative Office of the Courts (AOC), some funds would be necessary to complete any state/tribal inter-governmental agreements to meet the goals of this memorial.

The AOC adds that there are potential savings from fewer juvenile hearings if youth are sent to community-based programs. A successful plan is likely to reduce the number of children entering the juvenile justice system and therefore save court costs in terms of court time, staff and administrative costs.

SIGNIFICANT ISSUES

The identified goals of the steering committee are: to provide alternatives to suspension and referrals to law enforcement agencies; to provide training for school resource officers; the use of zero-tolerance policies; increase the availability of community-based behavioral services for children's court judges; screening for all youth for early risk factors; increased funding for gang task force's community based programs; and more training and additional resources for tribes, as well as intergovernmental agreements that create a user-friendly process for families and youths to access behavioral health services and state programs. These goals are in response to the steering committee's findings for House Joint Memorial 21.

According to the Children, Youth and Families Department (CYFD), the findings from the 2012 HJM 21 suggest that the aim of the Children's Code was not being followed, in that access to relevant services is neither guaranteed nor equal across geographic boundaries. It found that school related issues often lead to the arrest and/or referral to the local juvenile justice system; that diversion programs, especially in the schools, increase public safety while holding youth accountable, and that tribes need support in handling new juvenile justice issues and in implementing specific provisions of the Code.

The Department of Health (DOH) emphasizes the importance of school-based health centers (SBHCs). The DOH states that students using the New Mexico funded SBHCs reported they received important health information from the providers at the SBHC, including messages about safe choices about sex, importance of physical activity and exercise, safety, nutrition, risks associated with tobacco, drugs and alcohol and oral hygiene. Ninety percent of students reported they are likely to follow SBHC advice, and 79% report they have changed their behavior after a SBHC visit (NM-DOH, Office of School and Adolescent Health - 2012 Status Report). SBHCs have been shown to improve children and adolescent health for several outcomes while reducing health care costs.

PERFORMANCE IMPLICATIONS

The CYFD has performance measures related to delinquency and reducing the number of youth who further penetrate the juvenile justice system. This memorial allows the steering committee to develop a specific plan to implement the recommendations in HB21. The CYFD states that this will enhance its ability to make sure that services, programs and procedures are carried out in a uniform manner and cover all geographic locations.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

The AOC states that this memorial is related to issues being addressed by the Joint Educational Task Force and the Juvenile Detention Alternatives Initiative (JDAI). The Joint Educational Task Forces is addressing these issues insofar as they relate to educational stability for youth as detention interrupts education and re-entry into schools is often difficult. JDAI is an initiative to prevent children from coming into detention unnecessarily. It also addresses issues of referral to law enforcement and services to youth who are in need.

The DOH also notes that HM93 relates to the DOH FY14 Strategic Plan, Goal One: Improve Health Outcomes for the People of New Mexico.

Finally, HM 93 relates to the HSD Strategic Plan Goal 4, Improve Behavioral Health and the Collaborative and statewide entity's work is also included as priorities in the State of New Mexico Comprehensive Strategic Health Plan.

TECHNICAL ISSUES

According to the AOC, there is a potential conflict with tribal sovereignty with regard to assistance to the tribes. HM 21 recommends technical assistance to tribes to develop or revise juvenile codes so that tribes may access services provided through the Children's Code. As sovereign nations, tribes need not "implement" provisions of the code as stated in paragraph D, page 2. This may imply an imposition of state law on tribal nations. The actual recommendation from HM21 is worded in a way to better recognize tribal sovereignty and should be reflected throughout this memorial.

The DOH states that the language on page 3, line 12 states "that school-based health centers participate in screening" requires clarification. As stated, it seems to imply that SBHCs would conduct screening for an entire school population as an approach to identify students at risk. The standards for screening in SBHCs are limited to students who come to the center either by self referral or referral from an outside entity, including but not limited to, school personnel, parent(s) and guardian(s), or other entities such as probation officers, the CYFD staff, or private medical and behavior health provider(s). SBHCs are not currently staffed to implement broad screening and follow-up for an entire school population.

OTHER SUBSTANTIVE ISSUES

The AOC emphasizes that OptumHealth will only be the statewide provider for a limited time. While it will continue to be a provider during the period in which the report will be submitted to the legislature, any committee should be mindful that programs and plans resulting from this project should enjoy continuity through any subsequent provider. Without this precaution, other costs may be incurred as a result of a change in providers in terms of services available and payments under the plan.

According to the CYFD, Page 3, section C, lines 10 through 16, suggest that every youth be screened as early as possible for risk factors related to mental, emotional and behavioral disorders; that school-based health centers participate in the screening; and that state youth services agencies partner with local juvenile justice boards to develop an intake screening process for first-time offenders who exhibit high behavioral health needs. This approach has the

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potential to expand the number of low-level Juvenile Justice cases which are currently handled through effective diversion programs, and subsequently increase the cases sent for formal dispositions.

KC/blm