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FISCAL IMPACT REPORT

SPONSOR Lopez **ORIGINAL DATE** 2/3/17
LAST UPDATED 2/23/17 **HB** _____

SHORT TITLE Child Safety and Family Reunification Training **SB** 249/aSFC

ANALYST Downs

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	NFI	\$1.0-\$50.0	\$1.0-\$50.0	\$2.0-\$100.0	Recurring	Various
	NFI	\$70.0	\$70.0	\$140.0	Recurring	General Fund
TOTAL	NFI	\$71.0-\$120.0	\$71.0-\$120.0	\$142.0-\$240.0	Recurring	Various

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Children Youth and Families Department (CYFD)

SUMMARY

Synopsis of Senate Finance Committee Amendment

The Senate Finance Committee amendment to Senate Bill 249 adds a University of New Mexico family justice center to the agencies responsible for providing the mandated services. It also strikes training and replaces it with education and instruction for those who come in to contact with matters arising under the Children’s Code. The amendment strikes the specific “matters related to custody of a child.”

Synopsis of Bill

Senate Bill 249 requires that the Children, Youth, and Families Department (CYFD) and the Administrative Office of the Courts (AOC) train judges and hearing officers in “matters related to the custody of a child” for heightened knowledge of how to keep a child safe when considering reunification with a parent or guardian.

FISCAL IMPLICATIONS

CYFD reported it will most likely need additional personnel to develop and implement this training, and stated it will not be able to absorb the cost within its current operating budget. The average cost per FTE at CYFD is \$70 thousand annually.

AOC cited the Corinne Wolfe Children’s Law Center at the University of New Mexico in its analysis of the cost of trainings. (Presumably, this Center is the entity that is referred to in the Senate Finance Committee amendment.) According to the Center, it can cost anywhere from \$1 thousand for a webinar to \$50 thousand for a training that involves, “development, experts, and speakers.” While it is likely the cost would fall on CYFD or AOC, AOC reported, “The Corinne Wolfe Center is the best entity to develop this type of training, and has recent experience developing training that addresses safety issues in child welfare cases.”

Other cost drivers that are less easily quantifiable include content development and faculty identification or contracting, which can include salary and fringe benefits for staff attorneys and social workers. Costs could also be incurred through faculty and participant room, board, and travel, through facility fees, promotional material, or event staffing.

SIGNIFICANT ISSUES

CYFD reported conflicts of interest could arise with passage of Senate Bill 249. The agency stated, “It is likely that Respondent Attorneys and Guardians ad Litem will view CYFD training judges and hearing officers as a conflict that will allow CYFD to train the judiciary to make safety and reunification decisions as CYFD sees fit. Currently, CYFD makes recommendations in court proceedings and explains its rationale for those recommendations when determining the permanency plans for children in its legal custody.” CYFD also reported that though continuing legal education surrounding children’s law is important for judges and other parties involved, CYFD may not be the best agency to provide it, and the Children’s Code may not be the best vehicle for providing these trainings.

TECHNICAL ISSUES

The Administrative Office of the Courts provided the following issues that are not addressed in Senate Bill 249:

1. Audience: Should the trainings be one-on-one, for groups of judges, or for a mixed audience (judges, lawyers, social workers, etc.)?
2. Venue: Should the trainings be live, in-person, or something online (stand alone on a website or webinar/videoconference)?
3. Consistency: do the trainings need to be repeated or are they a one-time event?
4. Duration: Will the trainings last an hour, a day, or multiple days?

ALTERNATIVES

CYFD stated it is unclear that the legislative branch can mandate that the executive branch train the judicial branch, and suggested giving the entirety of the responsibility to the Corrine Wolfe Center for Child and Family Justice at the University of New Mexico. It stated, “Training of judges and hearing officers is better completed by a neutral, non-executive agency. Currently, the Corinne Wolfe Center for Child and Family Justice provides trainings to children’s court

judges and hearing officers. They have a website with resources specific to children’s court judges and hearing officers.”

JD/jle