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FISCAL IMPACT REPORT

ORIGINAL DATE 1/26/06

SPONSOR Swisstack LAST UPDATED _____ HB 64

SHORT TITLE Expand and Create Children's Judicial Programs SB _____

ANALYST McSherry

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
	\$828.5	Recurring	General

(Parenthesis () Indicate Expenditure Decreases)

Companion to Senate Bill 17

Partially duplicates Appropriation in the General Appropriation Act.

SOURCES OF INFORMATION

LFC Files

Responses Received From

Children Youth and Families Department (CYFD)

SUMMARY

Synopsis of Bill

House Bill 64 appropriates \$828,493 from the general fund to the Administrative Office of the Courts for the purpose of funding:

1. Children's court mediation (\$253,832) federal funding replacement in the 2nd, 5th, 6th, 7th, 11th, and 13 judicial districts, expansion in the 5th and 11th district programs and new programs in the 3rd, 4th, 9th, 10th and 12 judicial districts;
2. Supervised visitation (\$376,693) expansions in the 1st, 5th, 9th, and 13th district and creation of programs in the 4th, 7th, 8th, and 12th judicial districts; and
3. Court appointed special advocates (CASA) expansions in the 1st, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 11th, 12th, and 13th judicial districts.

FISCAL IMPLICATIONS

The appropriation of \$828,493 contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the general fund.

Some of the proposed appropriations in this bill were included in the LFC FY07 budget recommendation for AOC which was adopted by HAFC. The LFC recommendation includes \$130.6 thousand of the funds for children's court mediation and \$35.4 thousand of the requested fund for the court appointed attorney program.

SIGNIFICANT ISSUES

\$166 thousand of the funds proposed in this bill are included in the LFC recommendation and have been adopted in the HAFC budget for the AOC.

According to CYFD, there is anticipated involvement of protective services staff for mediation in abuse and neglect cases. CYFD asserts that the department currently administers a federal grant for access and visitation services. The two contracted providers of access and visitation services are Families and youth Inc. in Las Cruces (\$52 thousand in FY06) and South Western Advocates for Kids in Silver City (\$55 thousand in FY06).

PERFORMANCE IMPLICATIONS

Performance indicators for these programs on behalf of the courts have not been proposed, but would be useful to determine the success and merits of additional funding.

CYFD reports that children's court mediation is designed to provide mediation services for families involved with Protective Services and that the program supports Protective Services in meeting the Adoption and Safe Families Act for permanency, child safety and well being primarily through family engagement in the legal process and treatment plan compliance and permanency for families.

CYFD cites department performance measures such as "Percent of families reunited within one year of child entering custody" and "Enhance placement stability for children in custody" as measures that may have improved outcomes resulting from access and visitation programs. The measure "Percent of children with repeat mal-treatment within six months" is suggested by the department as a measure that could demonstrate improvement resulting from court mediation and court appointed special advocate programs.

ADMINISTRATIVE IMPLICATIONS

Increasing the number of districts which administer these programs will increase the administrative workload for each of the districts.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

\$166 thousand of the funds proposed to be appropriated in this bill are included in the AOC

budget adopted by HAFC.

TECHNICAL ISSUES

In order to avoid double funding of the children's mediation and court appointed special advocate programs, the appropriations in this bill should be reduced by \$130.6 and \$35.4 thousand in the two programs respectively.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The court appointed special advocate, children's mediation and supervised visitation programs would not be expanded and the number of judicial districts which have these programs would not increase. The HAFC recommendation for AOC includes funds for replacement of federal funds, formula growth for the court appointed special advocates and a 3 percent growth factor for all three programs (see technical issues above for amendment suggestion).

POSSIBLE QUESTIONS

1. How are districts determined to be ready to begin new supervised visitation, children's mediation and court appointed special advocate programs? How is relative need for the programs determined?
2. What measures of success would be appropriate for these programs? How should the legislature prioritize funding based on future demand and merit of program growth?
3. What if any other agencies are involved in these programs? What is the role of CYFD, if any?
4. What other funding sources are used by these programs? How have the levels of funding changed (other than lapsing federal funds for children's court)?

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