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FISCAL IMPACT REPORT

SPONSOR Torraco ORIGINAL DATE 2/2/16
LAST UPDATED 2/9/16 HB _____

SHORT TITLE Removal of Children from Emergency Placement SB 176/a SPAC

ANALYST Klundt

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY16	FY17	FY18	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		Indeterminate	Indeterminate		Recurring	General

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Children, Youth and Families Department (CYFD)

Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of SPAC Amendment

Senate Public Affairs Committee's amendment to SB 176 allows the department to charge the federal fee for processing a fingerprint-based criminal history record check. Also, the department of public safety shall not charge a state fee for processing a fingerprint-based criminal history record check. This would reduce revenues to DPS.

Synopsis of Original Bill

Senate Bill 176 amends Section 32A-3A-11 NMSA 1978 to give the Children, Youth and Families Department (CYFD) the authority to do criminal records checks before the agency places children in homes during emergency placement situations. The bill adds a requirement implemented by the federal government, that if a resident in the home refuses to provide fingerprints the child must be removed. The bill also adds a requirement that the household member be allowed to review the results of the criminal history check completed using fingerprints. The bill has an emergency clause making it effective immediately.

FISCAL IMPLICATIONS

The AOC reports any fiscal implications will vary depending on the circumstance. Additional hearings, and thus a cost to the judiciary, would occur if the guardian ad litem or youth attorney opposes the change of placement. However, the agency also believes this might occur in limited circumstances.

SIGNIFICANT ISSUES

Currently CYFD seeks criminal history checks in the National Crime Information Center from law enforcement agencies when conducting emergency placements in order to ensure that a child is not being placed at risk in a home. This bill will allow CYFD to perform those checks directly, rather than through law enforcement agencies.

Without adding language that the child must be removed if any household member fails to provide fingerprints, the federal government, specifically the Federal Bureau of Investigations, will no longer allow CYFD to obtain NCIC information either directly or through law enforcement agencies.

KK/jle/al