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FISCAL IMPACT REPORT

SPONSOR <u>Gallegos</u>	LAST UPDATED <u>2/23/2023</u>	ORIGINAL DATE <u>2/15/2023</u>
SHORT TITLE <u>Emergency Child Placement</u>	BILL NUMBER <u>Senate Bill 279/aSHPAC</u>	ANALYST <u>Toal/Lobaugh</u>

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT*

(dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
RLD	\$0.0	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal	Recurring	General Fund

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Responses Received From

Children, Youth and Families Department (CYFD)

Department of Public Safety (DPS)

SUMMARY

Synopsis of SHPAC Amendment to Senate Bill 279

The Senate Health and Public Affairs Committee amendment to Senate Bill 279 removes the emergency clause meaning the bill would go into effect June 16, 2023, (90 days after the Legislature adjourns) if signed into law.

Synopsis of Original Senate Bill 279

Senate Bill 279 amends state law to specify CYFD does not need to immediately remove a child from the emergency placement home if an agreement can be made with CYFD for the adult (who refuses to provide fingerprints or permission for a background check) to move out of the emergency placement home while the child is in residence.

State law authorizes the Children, Youth and Families Department (CYFD) to place a child in the home of private individuals (such as neighbors, friends, or relatives) during an emergency absence of the child's parents or custodians. In these emergency placement situations, CYFD or a criminal justice agency must perform a federal criminal history background check of each adult in the home where the child is being placed. CYFD must also provide a complete set of each adult's fingerprints to the state Department of Public Safety (DPS) to submit to the Federal Bureau of Investigation.

If any adult in the emergency placement home fails to provide fingerprints or permission to perform a criminal history background check, then state law requires CYFD to immediately remove the child from the emergency placement home.

In addition to allowing a child to remain in place if the noncompliant adult moves out, Senate Bill 279 also prohibits DPS from charging fees for processing fingerprint-based criminal history background checks.

The SHPAC amendment removes the emergency clause, so the bill would become effective June 16, 2023.

FISCAL IMPLICATIONS

Senate Bill 279 does not contain an appropriation.

CYFD reports Senate Bill 279 would have no fiscal impact on its operations.

By prohibiting DPS from charging fees for fingerprint-based criminal history background checks, Senate Bill 279 would require DPS to absorb some additional costs. DPS notes it would be charged \$11.25 by the FBI for each fingerprint submission. DPS reports it has “no way of currently estimating how many adults are background fingerprint verified for child placement” or determining the fiscal impact of Senate Bill 279. The department’s latest FY22 financial audit does not list fees as a major revenue source in its statement of revenues, expenditures, and change in fund balance, which indicates Senate Bill 279 would have an indeterminate but minimal impact on DPS.

ADMINISTRATIVE IMPLICATIONS

CYFD reports it would need to potentially update some trainings, forms, and guidance to align with the requirements of Senate Bill 279. DPS reports it would need to conduct regular trainings for dispatchers, law enforcement, and internal staff which include the requirements of Senate Bill 279.

RT/CSL/hg/ne/al