

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 7001

BILL NUMBER: SB 330

DATE PREPARED: Feb 18, 2000

BILL AMENDED: Feb 17, 2000

SUBJECT: Children in need of services.

FISCAL ANALYST: John Parkey

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FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill specifies that a county Office of Family and Children must provide notice of a hearing in a proceeding involving a Child in Need of Services (CHINS) by certified mail or face to face contact. The bill provides that the right to be heard and to make recommendations in a CHINS proceeding or a termination of the parent-child relationship proceeding involving a child in need of services includes the right to submit a written statement to the court that may be made a part of the court record. The bill requires a court to continue a hearing if the county Office of Family and Children does not provide written documentation that specified persons received notice of the hearing at least five business days before the hearing, unless all the persons appear for the hearing.

The bill also allows a foster parent, except for a foster parent who has been the subject of a substantiated report of child abuse or neglect or convicted of certain felonies, to petition a court to request intervention as a party in a CHINS proceeding. It allows a court to grant a foster parent's petition to intervene if the court determines that intervention is in the child's best interests.

Effective Date: July 1, 2000.

Explanation of State Expenditures: (Revised) This bill requires a county office of the Division of Family and Children to provide notice of a certain CHINS and termination of the parent-child relationship (TPR) proceedings by certified mail or by face to face contact. Based on the number of CHINS and TPR cases that were filed in 1998, this provision is expected to increase the administrative costs of the Division of Family and Children by approximately \$110,000.

If foster parents petition the court and are allowed to intervene as a party in a child in need of services (CHINS) proceeding, the court time require to resolve these cases could be lengthened. This provision may require the staff and attorneys for the Family and Social Services Administration (FSSA) to spend more hours in each proceeding; however, since the caseworkers and attorneys representing the FSSA are state

employees, any additional expenses will be covered by FSSA's budget.

Any additional funds and resources required above could be supplied through a variety of sources, including the following: (1) Existing staff and resources not currently being used to capacity; (2) Existing staff and resources currently being used in another program; (3) Authorized, but vacant, staff positions, including those positions that would need to be reclassified; (4) Funds that, otherwise, would be reverted; or (5) New appropriations.

As of December 1999, the Division of Family and Children within the Family and Social Services Administration had 133 vacancies. The Division reverted approximately \$44 in FY1999. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend upon legislative and administrative actions.

Explanation of State Revenues:

Explanation of Local Expenditures: (Revised) Provisions in this bill could increase the amount of time courts with juvenile jurisdiction devote to CHINS and TPR cases. As stated above, if certain foster parents become a party to a CHINS proceeding, the hearing could require more time. The bill also requires a continuance of CHINS and TPR proceedings in the event that certain interested parties are not informed of a hearing. The Division of State Court Administration estimates that each CHINS case requires slightly less than two hours to complete, the average TPR proceeding requires approximately 2 1/4 hours to complete.

Explanation of Local Revenues:

State Agencies Affected: Division of Family and Children, Family and Social Services Administration.

Local Agencies Affected: Courts with juvenile jurisdiction.

Information Sources: Indiana Judicial Report, Family and Social Services Administration.