

**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 24, 2000
BILL AMENDED: Feb 23, 2000

SUBJECT: Children in need of services.

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FUNDS AFFECTED: **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill allows an emergency medical services (EMS) provider to take custody of an abandoned infant under specified conditions. This bill provides that voluntarily leaving a child with an EMS provider is a defense to a child neglect prosecution. The bill requires a juvenile court hearing regarding an abandoned infant on the next business day after the infant is taken into custody. The bill makes other provisions relating to the emergency custody of an abandoned infant.

The bill requires a County Office of Family and Children (COFC) to provide a foster parent notice of certain hearings involving a CHINS by certified mail or face to face contact. The bill provides that the right to be heard in a proceeding involving a CHINS includes the right to submit a written statement to the court. It requires continuance of a hearing if the COFC does not provide documentation that the foster parent received notice of the hearing at least five business days before the hearing, unless the foster parent appears.

The bill allows a foster parent, except 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 and allows the court to grant the petition 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 to foster parents 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 \$27,000.

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 required 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) The provision regarding abandoned infants is expected to have a minimal impact on courts with juvenile jurisdiction and local offices of the Division of Family and Children. However, the ultimate impact of the bill will be determined by the number of infants that are abandoned to the care of emergency medical service providers. The Division of Family and Children estimates that it provides assistance to 60 abandoned infants each year.

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 a child's foster parents 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.