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PREPARED BY: Liz Hruska
DATE PREPARED: February 21, 2012
PHONE: 471-0053

LB 1099

Revision: 00

FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES *				
	FY 2012-13		FY 2013-14	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	4,000,000 – 4,250,000		8,000,000 – 8,500,000	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	4,000,000 – 4,250,000		8,000,000 – 8,500,000	

*Does not include any impact on political subdivisions. See narrative for political subdivision estimates.

This bill would require the State of Nebraska to pay the costs for guardian ad litem representation. This would also require the state to pay for service costs for wards of the court.

The guardian ad litem costs would be approximately \$6.7 million in general funds, based on 2008 study conducted at the request of the Legislature. Treatment costs would vary from county to county and range from no costs to approximately \$1 million in Douglas County. The cost to the state would be between \$1.3 million and \$1.5 million.

Technical Note: The bill does not specify an agency or agencies that would be responsible for the state costs.

DEPARTMENT OF ADMINISTRATIVE SERVICES

REVIEWED BY	Joe Wilcox	DATE	2/21/12	PHONE	471-2526
COMMENTS					
DEPARTMENT OF HEALTH AND HUMAN SERVICES: LB 1099 replaces "county" with "the state" in several places relative to incurring the cost for juveniles, including the cost of court-appointed guardians and litem. "The state" is not specified to be DHHS, but that may be a logical assumption. It is also not clear whether all such costs would necessarily be paid with the state general funds, but again, that may be the most likely case.					
SUPREME COURT: Concur with agency analysis relative to the Supreme Court.					

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LEGISLATIVE FISCAL

LB(1) 1099

FISCAL NOTE

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

State Agency or Political Subdivision Name:(2) Department of Health and Human Services

Prepared by: (3) Willard Bouwens

Date Prepared:(4) 2-17-12

Phone: (5) 471-8072

FY 2012-2013

FY 2013-2014

	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	See below		See below	

Return by date specified or 72 hours prior to public hearing, whichever is earlier.

Explanation of Estimate:

With regard to Guardian Ad Litem (GAL) costs, the December 2009 report, "Evaluation of the Guardian Ad Litem System in Nebraska", conducted by the National Association of Counsel for Children (NACC) for a 2008 request from the Nebraska Legislature does provide information regarding GAL compensation. The survey (which included both urban and rural counties) indicates that out of the 71 GAL respondents, 70% were paid on an hourly basis while 20% were paid a set amount by contract to handle a specific number of cases. In the latter case, for example, payment per case in one county ranged from \$79 to \$120 per case per month (\$948 to \$1,440 per case per year). The remaining survey respondents were paid in some other manner. The survey indicated that the hourly rates charged in the survey ranged from \$60 to \$100 per hour depending on the particular county. Some counties included reimbursement for other expenses such as meeting time, mileage, etc. billed separately (for example \$35 per hour for meetings with the child and/or caseworker). The numbers of hours per case were not surveyed but the report did cite that in 2001 the NACC did roughly calculate that a GAL with 2,000 hours available per year could possibly handle 100 cases assuming that no more than 20 hours of time were involved in each case, so assuming a cost per hour of \$70 an estimated cost per case per year would be \$1,400.

The number of wards placed with the Department of Health and Human Service (DHHS) including dual adjudications as of January 2011 was 4,845. Assuming all of these cases would have a GAL, the annual cost for GAL services is estimated to be \$6,783,000 (\$1,400 x 4,845).

There may not be an impact to the Department of Health and Human Services as LB1099 provides that juvenile expenses would be paid by "the State of Nebraska". However, if "State of Nebraska" is interpreted to mean "Department of Health and Human Services" then there would be a significant fiscal impact to the Department for those youth who are appointed a GAL and receive other services prior to placement with the Department.

MAJOR OBJECTS OF EXPENDITURE

PERSONAL SERVICES:	NUMBER OF POSITIONS		2012-2013	2013-2014
	12-13	13-14	EXPENDITURES	EXPENDITURES
Benefits.....				
Operating.....				

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LEGISLATIVE FISCAL

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Please complete ALL (5) blanks in the first three lines.

LB⁽¹⁾ 1099 FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Supreme Court

Prepared by: ⁽³⁾ Eric Asboe Date Prepared: ⁽⁴⁾ 2/3/12 Phone: ⁽⁵⁾ 1-4138

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2012-2013		FY 2013-2014	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

Return by date specified or 72 hours prior to public hearing, whichever is earlier.

Explanation of Estimate:

It is assumed, based on current practice, that the terms "state" or "State of Nebraska" contained in LB 1099 do not refer to the Supreme Court. Based on that assumption there would be no fiscal impact.

MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2012-2013	2013-2014
	12-13	13-14	EXPENDITURES	EXPENDITURES
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____