

PREPARED BY: Liz Hruska  
 DATE PREPARED: February 22, 2018  
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**LB 981**

Revision: 01

Revised to include an agency response

**FISCAL NOTE**  
**LEGISLATIVE FISCAL ANALYST ESTIMATE**

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES</b> (See narrative for political subdivision estimates)				
	<b>FY 2018-19</b>		<b>FY 2019-20</b>	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	See Below		See Below	

**Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.**

This bill would allow juveniles to voluntarily remain under court jurisdiction until age 21.

The Department of Health and Human Services would have significant cost increases in child welfare and at the Youth Rehabilitation and Treatment Centers (YRTC), but those costs cannot be determined. The federal Prison Rape Elimination Act (PREA) requires adults to be housed separately from juveniles as does the YRTC American Correctional Association accreditation. Separate and self-contained facilities would need to be added at the YRTCs in Kearney and Geneva. It is unknown how many youth would request to remain in custody. The separate units would require 24/7 staffing, but because the number of youth who would consent to remain in custody is unknown, the number and type of staff cannot be projected.

Similarly, it is unknown how many youth would request to remain the child welfare system, but there would be costs for additional case managers and for services.

The Office of Probation would also have increased costs. Adjustments to the computer system would cost \$180,000 GF in FY 2018-19. As with the Department of Health and Human Services, the number of youth that would stay under the jurisdiction of the court is unknown. Potential costs would be \$300,000 annually.

<b>ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSE</b>			
<b>LB: 981</b>	<b>AM:</b>	<b>AGENCY/POLT. SUB: Department of Health and Human Services (025)</b>	
REVIEWED BY: Joe Wilcox	DATE: 02/20/2018	PHONE: (402) 471-4178	
COMMENTS: No basis to dispute the Department of Health and Human Services estimate of potential but indeterminate fiscal impact to the agency from LB 981.			

**ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION**

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

Prepared by: (3) Mike Michalski

Date Prepared: 1-16-18

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	<u>FY 2018-2019</u>		<u>FY 2019-2020</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
<b>GENERAL FUNDS</b>	See Below		See Below	
<b>CASH FUNDS</b>				
<b>FEDERAL FUNDS</b>				
<b>OTHER FUNDS</b>				
<b>TOTAL FUNDS</b>	See Below		See Below	

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

**Explanation of Estimate:**

LB 981 would change provisions relating to arraignment of juveniles and authorize juvenile court jurisdiction to age twenty-one with consent of the juvenile and legal counsel.

This bill would require changes to practice, policy and regulations to allow the Youth Rehabilitation Treatment Centers (YRTC's) to accommodate keeping youth until the age of 21. This would cause significant issues to the physical plant of the facilities as well, as youth that have reached the age of majority need to be sight and sound separate from other youth who are still minors. This legislation also has ramifications related to compliance with national PREA standards as the YRTC could be housing adults with a juvenile offender population. This causes issues as the State is not raising the age of majority for all youth, but just a certain population. The YRTC American Correctional Association accreditation also requires that if youth and adults are housed in the same facility, that the units are separate and self-contained.

There would be a significant fiscal impact to the Department of Health and Human Services. The YRTC's would have to establish a separate building physically apart from the currently occupied buildings for both males and females to accommodate this new population, as the new population must be completely separate from the current population as indicated above. On the Kearney campus, this would require a new building, as the current population is fully utilizing all the buildings. The Geneva Campus could reopen a former residence. All meals, recreation, schooling and other programming would have to take place within the designated building to avoid any intermingling. Facilities would then have to be staffed 24 hours per day, seven days per week even if only one youth took advantage of the new legal provisions provided in LB 981.

There would also be additional child welfare costs as additional cases would be maintained that otherwise would have been closed. Those costs would include transitional costs, providing an array of services, housing, and case management. Depending upon the number of youth taking advantage of these provisions, additional staffing may be needed here as well.

Because it is not possible to predict how many youth would take advantage of these provisions, the fiscal impact cannot be estimated.

PERSONAL SERVICES:

POSITION TITLE	NUMBER OF POSITIONS		2018-2019	2019-2020
	18-19	19-20	EXPENDITURES	EXPENDITURES
Benefits.....				
Operating.....				
Travel.....				
Capital Outlay.....				
Aid.....				
Capital Improvements.....				
<b>TOTAL.....</b>			<b>See Above</b>	<b>See Above</b>

