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FISCAL IMPACT REPORT

SPONSOR Lopez DATE TYPED 3/18/05 HB _____

SHORT TITLE Office of Courts Neutral Corner Program SB 489/aSPAC

ANALYST McSherry

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
NFI	\$250.0	NFI	Indeterminate	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Senate Bill 489 duplicates partially and relates to HB 34, Programs Affecting New Mexico Children, SB 180, Programs Affecting New Mexico Children, SB 373, One Percent for Children Initiative, SB 535, Office of Courts Neutral Corner Program.

Senate Bill 489 duplicates partially the proposed appropriation in the General Appropriation Act. There are funds proposed for the Supervised Visitation Program Act in both the LFC and executive proposals for the General Appropriation.

SOURCES OF INFORMATION

LFC Files
 Administrative Office of the Courts (218)

SUMMARY

Synopsis of Senate Judiciary Amendment

The Senate Judiciary Amendments specify that the proposed funds would be appropriated to the local government division of the Department of Finance and Administration for distribution in Bernalillo County rather than the Administrative Office of the Courts.

Synopsis of Bill

Senate Bill 489 appropriates \$250 thousand from the general fund to Administrative Office of the Courts for the purpose of supporting the Neutral Corner program. Any unexpended funds or unencumbered balance remaining at the end of FY 2006 shall revert to the general fund.

Significant Issues

The AOC already receives funding for supervised visitation which is included in both the executive and LFC recommendation for the agency's FY06 budget. According to the AOC, the agency currently finances this particular program in the amount of \$26.6 thousand. Because the agency has already been financing a portion of the total cost of the program, and these funds will likely be included in the FY06 budget, the remaining cost of the program is actually \$223.4 thousand.

The Administrative Office of the Courts (AOC) reports that the "Neutral Corner" Program is an access and visitation program which provides parents a safe place for visitations or exchanges of children between parents in cases of abuse/neglect, separation, divorce, substance abuse, mental illness or family violence. According to AOC, the program currently serves the Second Judicial District Court judges who frequently write the local access and visitation program services into their court orders, stipulating the level of supervision required.

According to the AOC, access and visitation programs are presently located in the following judicial districts: 1st (Rio Arriba and Santa Fe Counties); 2nd (Bernalillo County); 3rd (Dona Ana County); 5th (Chaves and Eddie Counties); 6th (Grant and Luna Counties); 9th (Curry and Roosevelt Counties); and 13th (Sandoval County).

AOC reports that the number of referrals for supervised visitations and exchanges grow each year. The funding for these services comes from multiple sources and AOC does not believe the funding mechanism is sound. The Administrative Office of the Courts has contracted in the amount of \$26.6 thousand with the "Neutral Corner" to provide services for the last four years to the Second Judicial District. The Neutral Corner has also received county and city funds to provide these services. According to the AOC, the City of Albuquerque and County of Bernalillo have given notice to the Neutral Corner that as of June 30, 2005, they will no longer provide any funding for this program. It is reported by AOC that current levels of operation cost \$250 thousand annually.

PERFORMANCE IMPLICATIONS

Performance outcomes cited by the AOC related to the proposed funding are: continuity of the non-custodial parent/child relationship, and prevention of further violence.

A performance measures for the Access and Visitation Program established for annual reporting is "number of monthly supervised child visitations conducted." The AOC reports that the proposed funding will allow the program to supplant its current resources and continue to gather the data necessary to calculate and report those performance measures.

FISCAL IMPLICATIONS

The appropriation of \$250 thousand contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year shall revert to the general fund.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Senate Bill 489 duplicates and has a relationship to some of the funding proposed in HB 34, Programs Affecting New Mexico Children, SB 180, Programs Affecting New Mexico Children, SB 373, One Percent for Children Initiative and HB 535, Office of Courts Neutral Corner Program

TECHNICAL ISSUES

The proposed appropriation should be amended to be \$223.4 thousand rather than \$250 thousand because the remainder of the funding is already recommended in the AOC's base budget, both in the executive and LFC recommendations.

OTHER SUBSTANTIVE ISSUES

The AOC reports that it is requesting an appropriation of \$241 thousand to maintain existing access and visitation programs in the First, Fifth, Ninth, and Thirteen Judicial Districts, add new programs to additional judicial districts and fund network services for training and quality assurance. It is not clear how the agency is requesting these funds, or whether it is suggested to amend this bill to fund the said existing and proposed expansion programs.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

The AOC reports difficulty in operations with the current funding available for this program and other access and visitation programs and asserts that if additional state funds are not allocated, this program will cease.

POSSIBLE QUESTIONS

EM/yr