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FISCAL IMPACT REPORT

ORIGINAL DATE 2/3/09

SPONSOR Rodriguez LAST UPDATED _____ HB _____

SHORT TITLE Domestic Violence & Sexual Assault Services SB 343

ANALYST Peery-Galon

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
\$200.0		Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Defender Department (PDD)
 Children, Youth and Families Department (CYFD)
 Department of Health (DOH)
 Developmental Disabilities Planning Council (DDPC)
 New Mexico Sentencing Commission (NMSC)

No Response Received From

Commission for the Deaf and Hard of Hearing

SUMMARY

Synopsis of Bill

Senate Bill 343 appropriates \$200.0 from the general fund to the Children, Youth and Families Department for expenditure in fiscal years 2009 and 2010 to contract with a domestic violence and sexual assault services provider in Santa Fe and Bernalillo Counties to provide domestic violence and sexual assault services and to coordinate with domestic violence shelters that are providing services to victims of domestic violence or sexual assault who are deaf or hard of hearing. The proposed legislation has an emergency clause making it effective immediately.

FISCAL IMPLICATIONS

The appropriation of \$200.0 contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2010 shall revert to the general fund.

According to the December 2008 revenue estimate, FY10 recurring revenue will only support a base expenditure level that is \$293 million, or 2.6 percent, less than the FY09 appropriation. All appropriations outside of the general appropriation act will be viewed in this declining revenue context.

CYFD reported the appropriation in the proposed legislation is not part of the agency's budget request or the executive's budget recommendation for FY10.

SIGNIFICANT ISSUES

PDD reported most domestic violence and sexual assault programs are available to the clients free of charge. Nevertheless, these programs are not available to deaf clients unless they are accompanied by a professional deaf interpreter. PDD noted it is not possible to provide counseling services to a person who is accompanied by a friend or family member under the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule.

PDD reported that according to the U.S. Department of Justice Civil Rights Division, under the Americans with Disabilities Act, health care providers must provide effective means of communication for patients and family members who are deaf or hard of hearing. This includes agencies providing mental health services. Therefore, failure to provide appropriate deaf interpreters for domestic violence and sexual assault programs could be a violation of that Act.

PDD noted it has several cases where either the defendant, the victim or a witness to an assault is deaf. Professional interpreters are required and the cost of an interpreter is significant. Without public funding, providing services to the deaf community is impossible.

CYFD stated a deaf, deaf-blind or hard of hearing woman trying to leave an abuse relationship faces unique barriers. Information travels quickly within a deaf, deaf-blind or hard of hearing community, compromising both confidentiality and the victim's safety. Police and shelters are often not skilled at communicating with the deaf, deaf-blind, and hard of hearing, and often do not have interpreters. The proposed legislation will establish collaborations to better serve this traditionally underserved population. CYFD reported it currently contracts with one agency in Santa Fe County and three agencies in Bernalillo County to provide domestic violence services.

DOH noted that domestic violence is a serious public health problem in New Mexico. In 2007, 22,286 incidents of domestic violence were reported to law enforcement agencies in the state. There were 17,487 victims identified. It is estimated that only about one half of all domestic violence incidents are reported. On average, a child witnessed one in every seven incidents of domestic violence, and on average, two children were present at each of these incidents. Of these children, 48 percent experienced physical abuse themselves, and 4 percent experienced sexual abuse.

DDPC stated there are serious issues of domestic violence and sexual assault with the deaf communities around New Mexico. Individuals who are deaf or hard of hearing are in need of specialized services because of the communication/language barrier that exists. Counselors, trained in the field of deafness are difficult to come by. Sign language interpreters are required in the majority of instances, which creates a second layer of complexity in organizing crises services. DDPC stated the funding in the proposed legislation is truly needed.

PERFORMANCE IMPLICATIONS

CYFD has performance measures concerning number of domestic violence victims served.

ADMINISTRATIVE IMPLICATIONS

CYFD stated administrative services related to developing and monitoring of contract services would be absorbed by existing resources.

OTHER SUBSTANTIVE ISSUES

DOH reported that up to 85 percent of women with disabilities are victims of domestic abuse. A 1993 study documented twice the rate of abuse among children with disabilities.

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