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FISCAL IMPACT REPORT

ORIGINAL DATE 01/27/12

SPONSOR Madalena LAST UPDATED 01/31/12 HB 125/aHJC

SHORT TITLE Disclosure of Certain Child Neglect Info SB _____

ANALYST Daly

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY12	FY13	FY14	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Administrative Office of the District Attorney (AODA)
 Children, Youth & Families Department (CYFD)

SUMMARY

Synopsis of HJC Amendment

The House Judiciary Committee amendment to House Bill 125 narrows that portion of HB 125 that authorizes release of child abuse and neglect records to federal agencies to only the federal bureau of Indian affairs and the federal Indian Health Service. It also specifies that express written consent must be obtained prior to any further release of such information once an agency specified in the bill has received it.

Synopsis of Original Bill

House Bill 125 amends the confidentiality provision of the Children's Code to:

- allow otherwise confidential information concerning parties to an abuse and neglect proceeding to be disclosed to federal or tribal social services agencies; and
- prohibit any agency or institution authorized to receive the information from re-releasing it without proper consent or as provided by law.

FISCAL IMPLICATIONS

It does not appear that this bill will have any meaningful fiscal impact on the responding state agencies.

SIGNIFICANT ISSUES

The CYFD reports that currently its inability to release confidential information concerning parties to abuse and neglect proceedings to federal and tribal social services agencies has impeded its ability to partner with these agencies and provide this critical information which is necessary to allow those agencies to complete a comprehensive safety assessment for children they are serving.

HB 125 also clarifies that, upon release of confidential information pursuant to this exception or those already authorized by this particular section of law, the entity receiving that information may not itself release the information without proper consent or as provided by law. This new provision ensures the privacy of the children or other parties who are the subject of the information being provided where appropriate.

PERFORMANCE IMPLICATIONS

The CYFD reports it has performance measures related to the reduction of repeat child maltreatment which could be positively affected if tribal and federal social services agencies are able to conduct more comprehensive assessments and provide more informed interventions.

OTHER SUBSTANTIVE ISSUES

The CYFD advises that, in accordance with the Children’s Code and the Indian Child Welfare Act, it already has a process in place that allows tribes access to abuse and neglect records for prospective foster and adoptive parents who wish to become licensed through a tribal government as tribally-based foster or adoptive parents.

MD/lj:svb