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FISCAL IMPACT REPORT

ORIGINAL DATE 2/25/19

SPONSOR SJC LAST UPDATED _____ HB _____

SHORT TITLE Services for Youth Leaving Foster Care SB 23/SJCS

ANALYST Klundt

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		\$0	See Fiscal Impact		Recurring	General, Federal

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Children, Youth and Families Department (CYFD)
Administrative office of the Courts (AOC)

SUMMARY

Synopsis of Bill

Senate Judiciary Committee Substitute for Senate Bill 23 describes and allows for extended foster care up to age 21 for eligible adults through the fostering connections program, as initially identified in the federal Fostering Connections to Success and Increasing Adoption Act of 2008.

The committee substitute staggers implementation of the availability of the fostering connections program, starting with young adults younger than 19 as of July 1, 2020, adding young adults younger than 20 as of July 1, 2021, and finally including young adults younger than 21, as of July 1, 2022. Youth will be eligible for services based on the following criteria:

1. adjudicated under the Abuse and Neglect Acts or a tribal analogue thereof and either in an out-of-home placement when they turned 18 or for whom a guardianship or adoption assistance agreement was in effect when they attained at least 16;
2. who, after meeting these first criteria, are completing secondary education or a GED, enrolled in post-secondary or vocational training, employed at least 80 hours/month, are participating in a program or activity designed to promote employment or remove barriers to employment, or have a documented incapacity to participate in these activities; and

3. enters into a voluntary services and support agreement with CYFD.

For participating youth, The Children, Youth and Families Department (CYFD) is required to provide minimum services of:

1. Major Medical and behavioral health coverage
2. Housing
3. Foster care maintenance payments
4. Case management services, including participation in an appropriate transition plan

Next, the committee substitute establishes the voluntariness of services and continuing eligibility until the age of twenty-one if other criteria are met. The court must approve any early termination of the voluntary services and support agreement, if initiated by CYFD, and adopt a transition plan. This section requires written notice of the termination and provides a mechanism by which a young adult can appeal the termination. CYFD will provide a clear written notice of termination of the support agreement prior to attaining the age of twenty-one.

SB 23 substitute also establishes the rules for the petition the department, young adult or the young adult's attorney must file pursuant to an eligible youth's participation in the fostering connections program. The section goes on to provide that an eligible adult can participate in the fostering connections program for any duration of time between ages 18-21 by entering into the agreement immediately upon turning 18 or anytime thereafter. The court is required to review the voluntary services agreement prior to acceptance.

The committee substitute additionally requires that the court review the support agreement annually, and in so doing consult with the youth to ensure a smooth permanency transition to adulthood. The court determines whether the provided services are appropriate.

SB 23 also requires periodic case reviews using a team approach not more than every one hundred eighty days.

SB 23 includes definitions of: "eligible adult," "foster care maintenance payment," "host home," "supervised independent living setting," "transition plan," "voluntary services and support agreement," and "young adult."

The bill establishes a Fostering Connections Advisory Committee, consisting of seven members, including the CYFD cabinet secretary, youth members, and representatives of child welfare organizations, which will submit a report to the Governor regarding the number of participants and early successful discharges.

SB 23 establishes a Work Group, composed of experts in children's services and juvenile justice to collect information and make recommendations on including in the fostering connections program youth who have been adjudicated under the Delinquency Act.

The committee substitute amends existing law as follows:

- §32A-1-16 to provide that eligible adults in the foster connections program have the same basic rights as adults.
- §32A-1-20 to include eligible adults in the requirements for purchase of care from a private agency by a public agency.

- §32A-5-45 to provide extension of subsidized adoption payments to age 21 if the adoption assistance agreement was in effect when the child was at least 16, and if from 18-21 the eligible adult meets specified requirements.

The substitute requires CYFD to take the steps necessary to access federal funds for eligible adults and to adopt and promulgate rules to carry out the provisions of the Fostering Connections Act.

FISCAL IMPLICATIONS

There is no appropriation contained in this bill. CYFD believes the agency will be able to absorb with existing resources in FY20. However, after FY20 additional resources may be necessary. This bill will allow the agency to bring in additional federal revenue in FY21, and general fund may be necessary to for a match rate. On average, the match rate for these revenues are 70 percent federal and 30 percent state share. Additional state resources in FY21 will depend on how many youth meet the criteria set forth in this bill. Finally, a few additional staff in FY21 and FY22 may also be necessary as the caseloads grow to provide eligible youth with services. In FY19, the average cost per FTE including benefits was \$78.2 thousand.

The Administrative Office of the Courts reported no significant fiscal impact is anticipated at this time.

SIGNIFICANT ISSUES

Young people leaving foster care are often not prepared and do not have the needed support to transition successfully into adulthood at age 18. CYFD believes SJC substitute for SB 23 will allow CYFD to access federal IV-E money to expand the services and supports vital to improving outcomes for these young people. In addition, a committee created by this bill is tasked with developing recommendations for expanding the fostering connections program or otherwise improving outcomes for young people who are similarly at-risk and under-resourced as the young people initially identified as eligible to participate in the fostering connections program. Finally, the work group created by this bill is tasked with collecting information and developing recommendations specifically on including in the fostering connections youth who have been adjudicated under the Delinquency Act.

FACTS will need to be modified to capture both legal and programmatic requirements. This and other administrative impact to CYFD during FY20 and will be absorbed by existing resources.

No significant issues were raised by CYFD with the committee substitute. CYFD stated the concerns the department raised with the bill as originally introduced have been addressed.

AOC reported it is unclear whether a formal petition is actually needed, if an eligible adult must have either been adjudicated as abused or neglected pursuant to the Abuse and Neglect Act and upon turning 18 was in out-of-home placement or was at least 16 years old when a guardianship or adoption assistance agreement was in effect. This presumes that the adult had an abuse and neglect case and it is unclear why the Court could not continue its jurisdiction within that same case. Since the Program is essentially reviewing the Agreement and progress, there is no new “case or controversy” from which to start an entirely new petition.

Additionally, the AOC provided, since the substitute still requires a “best interest” finding which

has previously only been used for children under 18, it is unclear how the courts could make a best interest determination for an adult regardless of their eligibility for the program.

TECHNICAL ISSUES

AOC provided:

Page 17, line 12 refers to a hearing prior to an eligible adults twentieth birthday, this should be replaced with twenty-first birthday, as the purpose of a discharge hearing is to plan post eligibility.

Section 6(C) is referring to a criteria by which CYFD cannot terminate an Agreement, it would make more sense to move this under the Section 6(D) where the limitations on CYFD's ability to terminate are stated.

KK/sb