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FISCAL IMPACT REPORT

ORIGINAL DATE 01/23/13
 LAST UPDATED 02/07/13

SPONSOR Rue HB _____

SHORT TITLE Background Checks for CYFD Placements SB 41/aSJC

ANALYST Aledo-Sandoval

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI			

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Children, Youth and Families Department (CYFD)

Department of Public Safety (DPS)

Homeland Security and Emergency Management Department (HSEMD)

Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of SJC Amendment

The Senate Judiciary Committee amendment to Senate Bill 41 changes the requirement to remove a child immediately from the home if any adult resident fails to provide fingerprints or written permission to perform a federal criminal history record check when requested to do so. The amended language permits removal of a child but does not mandate it.

Synopsis of Bill

Senate Bill 41 adds a new section to the Children’s Code requiring the Children, Youth and Families Department to request a federal name-based criminal history record check of each adult residing in a home where a child will be placed in an emergency due to the absence of the child’s parents or custodians. The bill also contains provisions for fingerprint-based verification by the Department of Public Safety for immediate submission to the Federal Bureau of Investigation. Removal of a child shall result if any adult fails to provide their fingerprints or refuses to give permission for a federal criminal history record check. SB41 contains an emergency clause.

FISCAL IMPLICATIONS

According to the Department of Public Safety, SB41 will result in no additional fiscal impact to the DPS. There is a current process in place to run the fingerprint based background checks. DPS serves as the conduit for the submission process between the CYFD and the FBI.

SIGNIFICANT ISSUES

According to the Children Youth and Families Department, law enforcement may place a child into the emergency protective custody of the CYFD when law enforcement believes that a child is abused or neglected and that there is an immediate threat to the child's safety. In such circumstances, the parent is unavailable to provide care and protection to the child. The CYFD is responsible for identifying a safe and appropriate placement for the child. Placement options can include appropriate relatives so as reduce the trauma to the child and preserve family connections.

The CYFD currently conducts fingerprint-based national criminal records background checks on all foster and adoptive parent applicants, however these checks do not provide immediate results. The CYFD asserts that this bill would provide more timely access to federal criminal records histories than currently is available. This information is critical to assessing child safety in the placement.

The CYFD states that for the purpose of this bill, the term “emergency placement” is defined as instances when CYFD is placing a child in the home of private individuals, including neighbors, friends or relatives as a result of sudden unavailability of the child’s primary caretaker.

PERFORMANCE IMPLICATIONS

CYFD has performance measures concerning improved placement stability. The ability to immediately place a child with appropriate relatives in an emergency situation will improve performance on this measure. The courts are also measured on the number of placements a child has in foster care. A reduction in placements improves this measure.

ADMINISTRATIVE IMPLICATIONS

The Department of Public Safety states the CYFD Placement Unit will be added on the tri-annual audit schedule to ensure compliance with the dissemination and storage of criminal history. This audit will also track the compliance with the submission of the fingerprints within 15 days of the subject being run through NCIC.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The DPS notes that currently a criminal history cannot be run through NCIC (National Crime Information Center) for purposes of emergency placement. Moreover, not enacting the bill may result in difficulty in finding emergency placements for children due to a shortage of licensed homes.

MAS/bm