

January 27, 2023

The Honorable Stephen Owens, Chairperson
House Committee on Corrections and Juvenile Justice
300 SW 10th Avenue, Room 546-S
Topeka, Kansas 66612

Dear Representative Owens:

SUBJECT: Fiscal Note for HB 2021 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2021 is respectfully submitted to your committee.

HB 2021 would require the Department of Corrections (DOC) and the Department for Children and Families (DCF) to enter into a memorandum of understanding to coordinate administering a risk and needs assessment to children who have been identified as exhibiting behavior that could lead to offending behavior during the course of a child in need of care proceeding. The bill would require the memorandum to include procedures for allowing children to participate in evidence-based community programs and for the memorandum to be provided to the Joint Committee on Corrections and Juvenile Justice Oversight, the House Committee on Corrections and Juvenile Justice, and the Senate Committee on Judiciary.

The bill would require DOC, DCF, and the Judicial Branch to collaborate to provide services to children eligible to receive them. The bill would permit the court to extend the overall case length limit to allow for completion of an evidence-based program. Extensions of the overall case length limit would be granted incrementally. The bill would allow a judge to commit a juvenile placed on probation to detention for a violation of probation, including a technical violation, and for contempt of court. A judge could commit a juvenile to detention for 24 hours for a first violation, 48 hours for a second violation, and 15 days for a third or subsequent violation.

On or before July 1, 2025, DOC would be required to develop a system to facilitate the exchanging of confidential data, including health care requirements, mental health care needs and history, substance abuse treatment and history, recommendations for emergency placement

options, and any other information to assist in providing proper care to a juvenile. DOC would be required to report to the Joint Committee on Corrections and Juvenile Justice Oversight, the House Committee on Corrections and Juvenile Justice, the House Committee on Appropriations, the Senate Committee on Judiciary, and the Senate Committee on Ways and Means on or before the first day of the 2024 Legislative Session.

The bill would allow expenditures from the Evidence-Based Programs Fund of DOC to be made for families of juvenile offenders and children who have been identified as needing services from a risk and needs assessment. The bill would allow community mental health centers and any other community-based service provider to administer evidence-based community programs. DOC would be required to create a grant program to implement evidence-based community programs using the Evidence-Based Programs Fund. Any provider of evidence-based community programs for juveniles would be allowed to apply for a grant and DOC would give priority to any county that demonstrates a low available number of evidence-based community programs for juveniles.

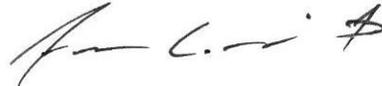
DOC indicates enactment of the bill would increase expenditures for the agency, but a precise fiscal effect cannot be estimated. Any additional expenditures that result from the bill would be funded from the current balance in the Evidence-Based Programs Fund. However, if those funds were unavailable as a result of the current balance being spent for other purposes, a new State General Fund appropriation would be necessary. Expenditures that would increase as a result of the bill include training DCF staff to administer risk and needs assessments, additional children served by funded programs, increased sentence lengths resulting in increased community corrections caseloads, design and development of new information technology systems or additional functionality of current systems, and increased administrative costs for staffing to manage more grants and grantees. In addition, as the bill could result in the incarceration of additional youth for longer periods of time in a juvenile detention center, DOC notes that additional expenditures for local units of government may also be required. Expenditures for additional juvenile incarceration could not be funded from the Evidence-Based Programs Fund.

DCF states that enactment of the bill would create no additional cost to the agency, as a risk and needs assessment tool would be available through DOC. However, if a use or licensing cost were to be assessed, those costs would affect approximately 600 youth and would be added to the foster care program budget as part of the consensus caseload budget process. DCF notes that the bill requires juveniles who are eligible to receive services to be allowed to access those services. DCF assumes such juveniles and their families are already receiving services and estimates no additional provision of services would be required. However, if additional services would be required as a result of enactment of the bill, DCF notes that the cost to serve one additional family would be \$6,000 for family centered treatment (including \$3,000 from the State General Fund), \$6,000 for family preservation services (including \$4,000 from the State General Fund), and \$15,000 for multi-systemic therapy (including \$7,500 from the State General Fund).

The Office of Judicial Administration indicates enactment of the bill has the potential to increase expenditures for the Judicial Branch because the bill would increase the workload for court services officers to perform risk and needs assessments. The bill would also increase

expenditures if there were any costs associated with providing the assessments. However, the Office states a fiscal effect cannot be estimated. Any fiscal effect associated with HB 2021 is not reflected in *The FY 2024 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt
Director of the Budget

cc: Randy Bowman, Department of Corrections
Kim Holter, Department for Children & Families
Vicki Jacobsen, Judiciary