

# Fiscal Note

State of Alaska  
2017 Legislative Session

Bill Version: HB 10  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB010-DHSS-FCAR-03-31-17  
Title: CHILD IN NEED OF AID/PROTECTION; DUTIES  
Sponsor: WILSON  
Requester: House HSS

Department: Department of Health and Social Services  
Appropriation: Children's Services  
Allocation: Foster Care Augmented Rate  
OMB Component Number: 2237

## Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2018	Included in	Out-Year Cost Estimates					
	Appropriation Requested	Governor's FY2018 Request	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
<b>OPERATING EXPENDITURES</b>	<b>FY 2018</b>	<b>FY 2018</b>						
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

## Fund Source (Operating Only)

1002 Fed Rcpts (Fed)	(41.1)		(94.7)	(183.5)	(240.5)	(289.1)	(289.1)
1004 Gen Fund (UGF)	41.1		94.7	183.5	240.5	289.1	289.1
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

## Positions

Full-time							
Part-time							
Temporary							

## Change in Revenues

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Estimated SUPPLEMENTAL (FY2017) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2018) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

## ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed? n/a

## Why this fiscal note differs from previous version:

Not applicable; initial version.

Prepared By: <u>Christy Lawton, Director</u>	Phone: <u>(907)465-3170</u>
Division: <u>Office of Children's Services</u>	Date: <u>03/29/2017 01:00 PM</u>
Approved By: <u>Shawnda O'Brien, Asst. Commissioner</u>	Date: <u>03/31/17</u>
Agency: <u>Health and Social Services</u>	

FISCAL NOTE ANALYSIS

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Analysis

Section 20 amends AS 47.10.088 as related to permanency requirements for children in care and, as written, could result in a longer stay of care, which increases general fund expenditures of payments to foster parents. The bill, as proposed, removes federal mandates in regard to the termination of parental rights by removing the reason for filing being the parents’ responsibility to remedy their conduct. The Department finds that costs associated with this section indeterminate.

Sections 24, 25, 36, 37, 41 and 49 eliminate the federally required judicial finding that it is "contrary to the welfare" of the minor to remain in the home. Removal of this finding eliminates the ability of the division to access Title IV-E funding for any children who enter custody of the state. Currently, there are over 3,000 children in the Title IV-E adoption and guardianship assistance programs. Subsidies for the children determined Title IV-E eligible prior to this law going into effect will continue to be eligible for the federal share of their subsidy payment for the entire duration of their agreement. No children entering the foster care, adoption or guardian programs after this law takes effect will be eligible for federal funds. As a result, the division’s federal claiming will decrease each year as the existing Title IV-E population ages out of the program, eventually resulting in \$0.0 of Title IV-E revenue.

Based upon recent removal to discharge ratios, the division estimates that in the first year the foster care penetration rate would slowly stagger down from 66.5% to 46.3%, and then decrease to averages of 46.1%, 25.2%, 11.5% and finally 0.0% by FY2022 and all subsequent years. From FY2022 forward, the division will no longer receive any Title IV-E foster care revenue; the federal revenue received will be based upon the subsidy agreements in place prior to this law taking effect. These numbers take into consideration the expectation that the division will remove fewer children from home each year.

The division estimated the loss of federal claiming based on the expected penetration rate and its effect on the average federal recovery rates for each budgetary component, as eligible children drop out of the program and non-eligible children enter.

Foster Care Augmented Rate - HB010 Impact to Federal Revenue

FY	FY2018 Proposed Budget	Average Federal Recovery Rate	Estimated Federal Portion	Estimated Reduction of Federal Revenue w/ HB010
2018 - Current	\$ 1,676.0	17.3%	\$ 289.1	
2018	\$ 1,676.0	14.8%	\$ 248.0	\$ 41.1
2019	\$ 1,676.0	11.6%	\$ 194.4	\$ 94.7
2020	\$ 1,676.0	6.3%	\$ 105.6	\$ 183.5
2021	\$ 1,676.0	2.9%	\$ 48.6	\$ 240.5
2022	\$ 1,676.0	0.0%	\$ -	\$ 289.1
2023	\$ 1,676.0	0.0%	\$ -	\$ 289.1

The estimated reduction to federal revenue is determined by reducing the estimated federal portion for each year from the "2018 - Current" estimated federal portion.

Any loss in federal revenue would increase the need for general fund expenditures.

Section 25 amends AS 47.10.142 to require that the court “dismiss” the petition, should the court find there is no longer "probable cause" to believe the Child is In Need of Aid at the temporary custody hearing. Although several hearings may occur prior, the temporary custody hearing often does not occur until a few months after the removal. During this time,

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**Analysis Continued**

the Office of Children's Services provides case management services and claims for federal reimbursement for associated expenditures. Should the court later "dismiss" the petition, then all federal funds for the duration of the case must be returned to the federal government. With the passage of HB 010, the Office of Children's Services would be required to return all federal funding for specific eligible children when the case is dismissed. Since the Office of Children's Services cannot determine the rate for which Child in Need of Aid petitions will be dismissed or receive a release of custody order, the fiscal impact for this section is unknown at this time.