



**Colorado
Legislative
Council
Staff**

HB17-1185

FISCAL NOTE

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 17-0771
Prime Sponsor(s): Rep. Singer
 Sen. Smallwood

Date: February 21, 2017
Bill Status: House Public Health Care and
 Human Services
Fiscal Analyst: Bill Zepernick (303-866-4777)

BILL TOPIC: REPORTS OF SUSPECTED CHILD ABUSE OR NEGLECT

Fiscal Impact Summary	FY 2017-2018	FY 2018-2019
State Revenue General Fund Cash Funds	Potential increase. See State Revenue Section.	
State Expenditures General Fund	Minimal increase. See State Expenditures section.	
TABOR Impact	Potential increase.	
Appropriation Required: None.		
Future Year Impacts: Ongoing potential revenue and minimal expenditure increase.		

Summary of Legislation

The bill adds officials and employees of county departments of health, human services, or social services to the list of mandatory reporters of child abuse. It also allows these county employees to receive certain follow up information about children about whom they file a report of child abuse or neglect if they continue to be officially and professionally involved in the ongoing care of the child. The bill expands the period for county departments of human services to provide such follow up information to all eligible mandatory reports from 30 days to 60 days after the report of child abuse and neglect is filed.

Background

Mandatory reporters are required to report child abuse or neglect if they have a reasonable cause to know or suspect that a child has been or is being subjected to abuse or neglect. Under current law, a mandatory reporter who willfully fails to report abuse or neglect commits a class 3 misdemeanor.

State Revenue

Beginning in FY 2017-18, this bill is anticipated to increase state revenue by a minimal amount from criminal fines and fees, as described below.

Criminal fines. To the extent any employees of county departments of human services fail to report known or suspected child abuse, this bill may increase state revenue from fines by a minimal amount, credited to the Fines Collection Cash Fund in the Judicial Department. The fine penalty for a class 3 misdemeanor is \$50 to \$750. Because the courts have the discretion of incarceration, imposing a fine, or both, the precise impact to state revenue cannot be determined. However, based on the low number of criminal fines imposed in 2016 and the assumption that county workers will comply with their mandatory reporting requirements, any revenue generated is likely to be minimal.

Court and administrative fees. To the extent any additional misdemeanor convictions occur, fees may be collected for a variety of court-related costs, which vary based on the offense and the type of court. These fees are credited to the General Fund and various cash funds. Typical fees may include such items as probation supervision, victim compensation, late fees, and other administrative fees. Some fee revenue is shared with local governments; please refer to the Local Government Impact section for additional information.

TABOR Impact

This bill potentially increases state revenue from fees and fines by a minimal amount, which may increase the amount of money required to be refunded under TABOR for FY 2017-18 and FY 2018-19. TABOR refunds are paid out of the General Fund. In years when the state collects revenue above the TABOR limit, any increase in General Fund revenue has no net impact on the amount of money available in the General Fund for the budget, as both revenue to the General Fund and the refund obligation increase by equal amounts. However, any increase in cash fund revenue increases the TABOR refund obligation, decreasing the amount of money available in the General Fund for the budget on a dollar-for-dollar basis. In future years when the state does not collect revenue above the TABOR limit, the bill's impact on General Fund revenue will increase money available for the General Fund budget.

State Expenditures

The bill increases state agency workload and costs as described below.

Judicial Department. To the extent that additional cases of abuse or neglect are reported by county workers, the courts may have increased workload for hearings concerning the children in the child welfare system (removal from home, child placements, termination of parental rights, etc.). Other agencies such as the Office of the Child's Representative and the Office of Respondent Parents' Counsel may also have additional costs to provide guardians ad litem for children and counsel for indigent parents, respectively.

In addition, although such cases are expected to be rare, to the extent that county employees at departments of human or social services willfully fail to report abuse or neglect, the trial courts will be required to hear additional cases concerning this misdemeanor offense. To the

extent convictions occur, probation division workload also may increase. The Office of the State Public Defender and Office of Alternate Defense Counsel may have additional costs to provide representation for any persons deemed to be indigent. The fiscal note assumes any increases will be minimal and not require a change in appropriations for any agency within the Judicial Department.

Department of Human Services. The Department of Human Services will have a minimal increase in workload to update training material and other information about mandatory reporters. This workload will be minimal and no change in appropriations is required.

Local Government Impact

The bill increases local revenue and costs as described below.

Child welfare workload. Adding a new type of mandatory reporter may result in additional reports of abuse and neglect to county departments of human services and local law enforcement. Generally, increasing the number of mandatory reporters reduces the likelihood that child abuse goes unreported and can promote more timely reporting of abuse or neglect. However, many instances of abuse likely are reported by someone involved in the child's life under current law. In addition, county social and human service workers may already report child abuse and neglect, even though they are not currently mandatory reporters. For these reasons, the increase in child abuse reports resulting from this bill cannot be determined, but is expected to be minimal be handled by counties within existing resources. In addition, counties will have additional workload to provide follow up information to mandatory reporters in additional situations.

Local criminal justice expenditures. The bill may increase workload for district attorneys to prosecute additional misdemeanor offenses for failure to report child abuse and neglect. A class 3 misdemeanor is punishable by a sentence of up to six months in a county jail, a fine, or both. To the extent that misdemeanor convictions increase and additional offenders are sentenced to jail, county costs will increase. For the current fiscal year, the state reimburses county jails at a daily rate of \$52.74 to house state inmates. Likewise, the bill may increase workload for the Denver County Court, managed and funded by the City and County of Denver to the extent additional misdemeanor cases are prosecuted. Probation services in the Denver County Courts may also experience an increase in workload to supervise persons convicted under the bill. Given that few misdemeanor cases are expected, any criminal justice impacts at the local level are assumed to be minimal.

Court fees and criminal fine revenue. Similar to the state impacts from additional misdemeanor cases, court and administrative fee revenue to counties will increase. In the City and County of Denver, probation fee revenue may increase by \$50 per month, per offender and fine revenue from misdemeanor convictions may be received. For all jurisdictions, revenue is anticipated to increase by a minimal amount per year as a result of any court and administrative fees shared with the state.

Effective Date

The bill takes effect September 1, 2017, assuming no referendum petition is filed.

State and Local Government Contacts

Counties Human Services Judicial Law