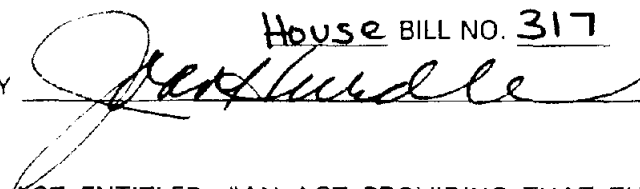


House BILL NO. 317

INTRODUCED BY



A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES SHALL USE ALL AVAILABLE RESOURCES TO IDENTIFY AND ADDRESS PROBLEMS OF DEPENDENTS OF A PERSON INCARCERATED FOR 6 OR MORE MONTHS FOR A CRIMINAL OFFENSE."

WHEREAS, control of crime is a responsibility shared by individuals, the community, and the state and is most effectively achieved through prevention efforts; and

WHEREAS, recent studies estimate that children of persons imprisoned for crimes are five to six times more likely than their peers to become incarcerated themselves; and

WHEREAS, family reunification is an accepted goal of community corrections.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Identification, monitoring, and working with problems of children of convicted persons -- "dependents" defined. (1) The department of corrections and human services shall notify the department of social and rehabilitation services of the name, last-known address, telephone number, and sentence of each person committed to the department of corrections and human services after conviction of an offense for which a sentence of 6 or more months of incarceration was imposed. A copy of the presentence investigation report must be included with the notice. Upon receipt of a notification, the department of social and rehabilitation services shall make appropriate and necessary inquiries to determine whether the offender has dependents residing in the state.

(2) If the department of social and rehabilitation services determines that the offender has dependents residing in the state, it shall:

(a) until the offender is released from state supervision, make appropriate and necessary inquiries as to and monitor on a continuing basis the age, sex, legal status, financial and living conditions, care and treatment, schooling, physical and emotional condition, and similar matters concerning the dependents; and

(b) if a problem relating to one of the matters referred to in subsection (2)(a) exists or arises, work

1. with the person or persons having custody of the dependents and with any persons and private and public
2. entities to address the problem in order to identify and use all resources in the private sector and in the
3. various levels of government that may be used to ensure the well-being and normal development of the
4. dependents.

5. (3) For purposes of this section, "dependents" means one or more children of the offender,
6. whether they reside with the offender's spouse, a guardian, a foster parent, or any other person.

7. -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0317, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

A bill requiring the Department of Social and Rehabilitation Services (SRS) to identify and address problems of dependents of a person incarcerated for six or more months.

ASSUMPTIONS:

1. The Executive Budget present law base serves as the starting point from which to calculate any fiscal impact due to this proposed legislation.
2. Pre-sentence investigations now are considered confidential documents to be made available only to the sentencing judge and to professionals working with the offender. These documents are not considered public documents and could not be released to SRS by the Department of Corrections and Human Services (DCHS) without a court order or a statutory change. (Please see Technical Notes below.)
3. DCHS receives only those offenders sentenced to probation or to confinement for terms of one year or more. The department would not be able to provide information to SRS regarding offenders sentenced to confinement terms of six months up to one year. (Please see Technical Notes below.)
4. DCHS projects there will be 650 to 750 prison admissions per year in each of the next five years.
5. At the present time, it is difficult for the Department of Family Services (DFS) and SRS to determine exact numbers of families impacting different aspects of the existing service delivery systems and the likely effects. The following calculations and assumptions are the best estimates of likely impacts and outcomes.
6. Appropriate and necessary inquiries as required in the bill will occur monthly.
7. DFS Child Protective Services (CPS) already currently contacts about 25% of the families (i.e. 162 to 188 families cited in assumption 4 above) and works with them to get the appropriate services and resources to the families. Therefore, only about 525 families will need to be contacted and served by SRS and DFS, in addition to those currently being served. While not all of these families will have dependents and need continuing intervention, SRS will still need to do an initial contact and assessment for all of these families.
8. Services for the dependents in these 525 families will be delivered and coordinated through CPS staff. Although the caseload of one CPS staff worker for protective services is about 23 families per month, the services proposed by this bill will be more supportive in nature than protective. Therefore, each worker could provide supportive services to about 100 families.
9. This would project a need for 5.00 FTE plus operating expenses to handle the additional caseload. Based on an average FTE cost of \$26,949 in FY96 (assuming grade 12 salary and benefits) and \$27,042 in FY97 (again, assuming grade 12 salary and benefits) along with \$3,500 additional operating expenses per FTE each year, the total cost would be roughly \$152,245 in FY96 and \$152,710 in FY97. (Operating expenses per FTE must cover the cost of additional rent, travel, office equipment, utilities, etc.)

(continued)

Dave Lewis 1-30-95

DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

JOAN HURDLE, PRIMARY SPONSOR DATE

Fiscal Note for HB0317, as introduces

HB 317

(continued)

10. As provided in the bill, under the requirement to utilize all available resources, SRS will request DFS administer these additional staff through the existing Community Services Program. (This does not include adding any resources to DFS to handle the additional staff. For example, these staff would need payroll services from DFS, but this assumes DFS will absorb the increased workload with current resources.)
11. This bill is not prompted by a federal mandate, so funding will be 100% general fund.

FISCAL IMPACT:

Expenditures:

	<u>FY96</u>	<u>FY97</u>
	<u>Difference</u>	<u>Difference</u>
FTE	5.00	5.00
Personal Services Increase	134,745	135,210
Operating Expenses Increase	<u>17,500</u>	<u>17,500</u>
Total Expenditure Increase	152,245	152,710

Funding:

General Fund Cost	152,245	152,710
-------------------	---------	---------

TECHNICAL NOTES:

Page 1, lines 18 through 25 of this bill are in conflict with 46-18-113, MCA, regarding availability of presentence investigation reports. The existing statute would have to be amended to give SRS access to presentence reports as required by this bill.

Offenders sentenced to probation or confinement for terms of one year or more are the population remanded to DCHS. The department does not have information on or custody of offenders sentenced to confinement terms of six months up to one year, and could not provide the required information to SRS on this population. In addition, SRS may have difficulty gaining access to required information from any source regarding this population since they are not under the jurisdiction of the executive branch of state government.