

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 6087

BILL NUMBER: SB 40

NOTE PREPARED: Jan 12, 2024

BILL AMENDED: Jan 11, 2024

SUBJECT: Caregiver Counsel Pilot Program.

FIRST AUTHOR: Sen. Bohacek

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: **GENERAL**
 X DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill establishes the Caregiver Counsel Pilot Program in LaPorte County, Marshall County, and Starke County. It also provides that an unlicensed caregiver is entitled to representation by counsel in a child in need of services (CHINS) proceeding under certain circumstances.

Effective Date: July 1, 2024.

Explanation of State Expenditures: (Revised) *Public Defense Fund:* If an unlicensed caregiver is found indigent and entitled to representation, it will increase the number of claims for reimbursement from the Public Defense Fund. The bill is estimated to increase state expenditures from the Public Defense Fund by approximately \$50,112 to \$59,508 annually, beginning in FY 2025.

Department of Child Services (DCS): This bill could increase the workload of the DCS to attend additional court hearings. The workload impact will likely be minimal, and the DCS could likely accomplish the task within existing resources.

Additional Information - According to the DCS's Practice Indicator Report, on average, about 140 CHINS were in relative placement within the last 12 months in the pilot counties. According to the DCS, about 75% of relative home placements are unlicensed caregivers. OFMA assumes the cost-per-case for a unlicensed caregiver is similar to the cost of representation for a parent, guardian, or custodian in a CHINS case.

Explanation of State Revenues:

Explanation of Local Expenditures: (Revised) *Summary* - The bill requires the court to establish a

caregiver counsel pilot program in LaPorte, Marshall, and Starke counties. As a result, the bill is estimated to increase local expenditures in the pilot counties by approximately \$99,963 to \$159,732 annually. The costs incurred by these counties may be partially offset by the federal Title IV-E reimbursement grant for eligible CHINS expenses.

(Revised) *LaPorte County*: The bill is estimated to increase LaPorte County public defense expenditures by approximately \$75,168 to \$89,262 annually. This estimate includes a 40% reimbursement from the Public Defender Commission. In CY 2023, LaPorte County had about 104 CHINS in relative home placement.

(Revised) *Marshall and Starke Counties*: The bill is estimated to increase Marshall and Starke counties public defense services by approximately \$24,795 to \$70,470 annually. In CY 2023, there were about 36 CHINS in relative home placement in Marshall and Starke counties.

(Revised) Additional Information - If the unlicensed caregiver is found indigent, the court shall appoint counsel to represent an unlicensed caregiver in every permanency hearing held in the CHINS case. Under current law, a public defender must be appointed to an indigent person at the trial and appellate level for a criminal case, a child charged with a delinquent act case, a parent in a TPR (termination of parental rights) case, and a parent in a juvenile CHINS case.

Explanation of Local Revenues:

State Agencies Affected: Department of Child Services; Public Defender Commission.

Local Agencies Affected: Courts with juvenile and probate jurisdiction; County public defenders; LaPorte, Marshall, and Starke counties.

Information Sources: Indiana Public Defender Commission, Funding and Reimbursement History, <https://www.in.gov/publicdefender/funding-and-reimbursement-history/>; Indiana Supreme Court, Reports & Statistics, <https://publicaccess.courts.in.gov/ICOR>; Department of Child Services, Report & Statistics, Practice Indicator Reports, September 2022 - September 2023; DCS Sibling Placement Report, <https://www.in.gov/dcs/reports-and-statistics/practice-indicator-reports/september-2023/>.

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