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FISCAL IMPACT STATEMENT

LS 7184

BILL NUMBER: HB 1359

NOTE PREPARED: Feb 25, 2022

BILL AMENDED: Feb 24, 2022

SUBJECT: Juvenile Law Matters.

FIRST AUTHOR: Rep. McNamara

FIRST SPONSOR: Sen. Crider

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill has the following provisions:

This bill requires the Commission on Improving the Status of Children in Indiana (CISC) to create a Statewide Juvenile Justice Oversight Body (SJJOB) to do the following:

- (1) Develop a plan to collect and report statewide juvenile justice data.
- (2) Establish procedures and policies related to the use of certain screening tools and assessments.
- (3) Develop a statewide plan to address the provision of broader behavioral health services to children in the juvenile justice system.
- (4) Develop a plan for the Juvenile Diversion and Community Alternatives Grant Programs.

It provides that the Statewide Juvenile Justice Oversight Body shall, not later than July 1, 2023, submit to the CISC and the Legislative Council: (1) the plan for the Juvenile Diversion and Community Alternatives Grant Programs; and (2) the juvenile justice data collection plan and the plan for the use of screening tools, assessments, and services.

Judicial Conference of Indiana: The bill requires the Judicial Conference of Indiana to develop statewide juvenile probation standards that are aligned with research based practices, and requires the board of directors of the Judicial Conference of Indiana to approve the standards by July 1, 2023.

Assessment Tools: It provides that a child less than 12 years of age cannot be detained unless detention is essential to protect the community and no reasonable alternatives exist to reduce the risk. It requires the use of a risk and needs assessment tool, a risk screening tool, and a diagnostic assessment when evaluating a child at specific points in the juvenile justice system to identify the child's risk for reoffense. It requires an

intake officer and the juvenile court to use the results of a detention tool to inform the use of secure detention and document the reason for the use of detention if the tool is overridden.

Office of Judicial Administration: The bill requires a court to: (1) after use of a detention tool, include in a court order the reason for a juvenile detention override; and (2) submit details of the juvenile detention override to the Office of Judicial Administration (OJA). It requires the OJA to provide an annual report to the Governor, Chief Justice, and Legislative Council before December 1 of each year that includes information about a court's use of a detention tool and reasons for overriding the results of the detention tool. It requires the OJA to provide an annual report to the Governor, Chief Justice, and Legislative Council before December 1 of each year that includes data on any child diverted through the juvenile diversion program. It requires the OJA to administer the statewide juvenile justice data aggregation plan.

Juvenile Diversion: The bill establishes a procedure for juvenile diversion.

Informal Adjustment Program Fees: It repeals provisions requiring a child who participates in a program of informal adjustment to pay an informal adjustment program fee.

Telehealth Services: It provides that a juvenile court may recommend telehealth services as an alternative to a child receiving a diagnostic assessment.

Juvenile Justice Grant Programs/Funds: The bill establishes: (1) the Juvenile Diversion and Community Alternatives Grant Programs and Grant Programs Fund; and (2) the Juvenile Behavioral Health Competitive Grant Pilot Program and Grant Pilot Program Fund; as of July 1, 2023.

Indiana Criminal Justice Institute: It requires the Indiana Criminal Justice Institute (CJI) to administer each program and fund. It requires the CJI to prepare an annual report to the Governor, Chief Justice, and Legislative Council before December 1 of each year that details certain performance measures that counties receiving grants must collect and report.

Local or Regional Justice Reinvestment Advisory Councils: It requires the local or regional justice reinvestment advisory council or another local collaborative body to oversee certain juvenile community alternatives grants awarded to a county.

It makes conforming changes.

It also makes a technical correction.

Effective Date: Upon passage; July 1, 2022; July 1, 2023.

Explanation of State Expenditures: *Commission on Improving the Status of Children (CISC):* The bill will increase the expenditures and workload of the CISC. Currently, the CISC has one administrative staff person. The CISC reports it will need to hire at least 1 additional professional program staff to fulfill the bill's requirements, estimated to cost approximately \$100,000 annually.

Indiana Supreme Court: It requires the Chief Justice of the Indiana Supreme Court to make initial appointments and designations to the SJJOB not later than May 31, 2022. It also requires the Chief Justice to designate the chair of the SJJOB. The Chief Justice may incorporate members from the CISC's existing subcommittees or task forces. Currently, there are 10 subcommittees and task forces under the CISC.

Indiana Criminal Justice Institute (CJI): The CJI shall prepare an annual report that details the performance measures collected including an analysis of the performance measures by race, ethnicity, gender, and other demographic factors. The report shall be provided before December 1 each year. This provision will increase the workload of the CJI.

(Revised) Juvenile Justice Programs/Funds: Beginning July 1, 2023, the bill requires the CJI to administer and implement the Juvenile Diversion and Community Alternatives Grant Programs, Juvenile Diversion and Community Alternatives Program Fund, Juvenile Behavioral Health Competitive Grant Pilot Program, and the Juvenile Behavioral Health Competitive Grant Pilot Program Fund. These provisions will increase the workload and expenditures of the CJI beginning in FY 2024.

The funds will consist of money appropriated by the General Assembly, donations, gifts, and money received from any other sources. Money in the funds at the end of a state fiscal year do not revert to the state General Fund.

Telehealth Services: The bill provides that the juvenile court may recommend telehealth services as an alternative to a child receiving a diagnostic assessment. However, the bill is silent on who will pay for the child's telehealth services, if recommended. If the court recommends telehealth services and the state must pay for it, the bill could potentially increase state expenditures by an indeterminable amount.

Judicial Conference of Indiana (JCI): The bill requires the JCI to develop statewide juvenile probation standards for juvenile probation supervision and services that align with research based practices and based on a child's risk of re-offending as measured by the validated risk and needs assessment tool. The JCI shall also provide adequate training to all juvenile probation officers on the use of the assessment tools. The JCI board shall approve the standards not later than July 1, 2023. This provision will increase the workload of the JCI. The JCI should be able to accomplish this task within existing resources.

Office of Judicial Administration (OJA): The bill requires the OJA to establish and administer a plan that will ensure that the juvenile justice data from each county is collected and shared with the OJA so the OJA can compile and aggregate the data. It requires the OJA to develop an annual report that includes the information regarding the use of secure detention facilities and the number and justification of overrides of the detention screening tool. This provision will increase the workload of the OJA. However, the OJA should be able to accomplish this task within existing staffing and resource levels.

Statewide Juvenile Justice Oversight Body: The bill establishes a Statewide Juvenile Justice Oversight Body. It requires the first meeting to be held before July 1, 2022. The oversight body shall establish the juvenile justice data collection plan, a plan for the use of screening tools, assessments, and services, not later than July 1, 2023. It also requires the oversight body to have a plan for the juvenile justice grant programs, not later than January 1, 2023.

The plan must include the parameters for using a portion of the funds for staffing, training, and administrative expenses to support the needs of rural communities with limited service capacity. It also requires the oversight body to develop criteria for the use of diagnostic assessments, develop a statewide plan to address behavioral health services to children in the juvenile justice system, and develop a plan for transitional services for children to reduce recidivism. These plans must be submitted to the CISC and the Legislative Council.

Enhanced Enforcement Drug Mitigation Fund/Pilot Program: The bill removes the fund and pilot program

from the duties of the CJJ. The pilot program and fund expired in FY 2020. This provision will have no fiscal impact.

Explanation of State Revenues:

Explanation of Local Expenditures: *Local or Regional Advisory Council:* The bill requires the local or regional justice reinvestment advisory council to manage grant solicitation, with support for rural communities as a required funding priority and determine how funding and programming could be used more effectively. The bill provides that the local or regional advisory council will oversee and manage grants awarded under the bill, unless another local collaborative body in the county is tasked with overseeing the grants awarded. These provisions will increase the workload of the local or regional advisory councils. The workload impact is expected to be minimal.

Intake Officers: This bill could increase the workload of intake officers to the extent the intake officer must complete additional assessments, tools, and evaluations to assess the needs for secure detention or conditional release. The intake officer may recommend a child be referred to juvenile diversion programs and recommend an assessment by the dual status assessment team. Increases in workload are expected to be accomplished within existing resources.

Local Probation Departments: The bill requires local juvenile probation departments to collect data on any child diverted through the juvenile diversion programs, such as demographic information, risk screening results, offense, program participation, and outcomes data. It requires the probation departments to report this information to the OJA on an annual basis. The juvenile probation officer is required to conduct a validated risk and needs assessment tool on the child and provide the results to the juvenile court and any legal party to the case. It also requires the probation officers to provide the predispositional report to the prosecuting attorney, defense attorney, and any other party to the case. These provisions will increase the workload of juvenile probation officers.

Juvenile Court: The bill could increase court workload to have additional hearings to determine if any of the utilized assessments or tools in the bill are appropriate. The juvenile court shall use the results of the detention tool to inform decisions regarding the detention or temporary detention of a child taken into custody. If the juvenile court shall make a written finding that includes the results of the risk and needs assessment if the court orders an out-of-home placement. Any increase in workload is expected to be minimal.

Detention: The bill provides that a child less than the age of 12 may not be detained unless the child poses an imminent risk of harm to the community or the court makes a written finding that detention is essential to protect the community and no reasonable alternatives exist to reduce the risk. This provision could increase the use of alternative methods of detention such as home monitoring, curfew restrictions, juvenile detention alternatives, or community-based services.

Additional Information - Juvenile Diversion Programs: The child and child's parent, guardian, custodian, or attorney must consent to the child's participation in juvenile diversion. The juvenile diversion program may not exceed six months and may include restorative justice services. If the child successfully completes the terms of diversion, a petition shall not be filed with the juvenile court and no further action shall be taken.

If the child does not complete the terms of diversion or commits a new offense, the juvenile probation officer shall inform the prosecuting attorney 14 days prior to the end of the child's juvenile diversion. The

prosecuting attorney may petition the juvenile court for authorization to file a delinquency petition, if the child fails to complete the terms of the juvenile diversion. If a complaint is not filed within six months after the date the diversion is initiated, the prosecuting attorney must close the child's file.

Prosecuting Attorney: The risk screening tool results shall be made available to the prosecutor to inform a recommendation for participation in juvenile diversion or for an assessment by the dual status assessment team. Evidence of a child's statements and evidence derived from those statements made for use in preparing an authorized evidence-based detention tool, are not admissible against the child in any court proceeding.

Explanation of Local Revenues: *Informal Adjustment Program Fee:* The bill repeals the informal adjustment program fee. The informal adjustment program fee is collected in place of juvenile court costs for each month a juvenile participates in the program. The fee is at least \$5 a month, but no more than \$15 a month. The fee is collected by the probation department and deposited in the County User Fee Fund. It is unknown how many juvenile defendants participate in an informal adjustment program.

In CY 2021, the probation departments and circuit court clerks collected \$48,453 from informal adjustment program fees. This information was gathered from two case management systems, five counties and eleven probation departments.

State Agencies Affected: Commission on Improving the Status of Children; Office of Judicial Administration; Indiana Criminal Justice Institute; Department of Correction, Judicial Conference of Indiana.

Local Agencies Affected: County probation departments; Local or regional justice reinvestment advisory councils.

Information Sources: Legislative Services Agency, *Indiana Handbook of Taxes, Revenues, and Appropriations*, FY 2021; Department of Correction, Child Support.

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