

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. House Bill 726

PRINTER'S NO. 2724

AMOUNT

Up to \$4.741 Million

FUND

General Fund

DATE INTRODUCED

February 14, 2013

PRIME SPONSOR

Representative Petri

HISTORY OF BILL

Referred to CHILDREN AND YOUTH, Feb. 14, 2013
Reported as amended, June 11, 2013
First consideration, June 11, 2013
Re-committed to RULES, June 11, 2013
Re-reported as committed, June 20, 2013
Second consideration, June 20, 2013
Re-committed to APPROPRIATIONS, June 20, 2013
Re-reported as committed, June 24, 2013
Third consideration and final passage, June 24, 2013 (191-6)
(Remarks see House Journal Page 1245-1247), June 24, 2013
In the Senate
Referred to AGING AND YOUTH, June 28, 2013
Reported as amended, Dec. 3, 2013
First consideration, Dec. 3, 2013
Second consideration, Dec. 4, 2013
Re-referred to APPROPRIATIONS, Dec. 4, 2013
Re-reported as committed, Dec. 9, 2013

DESCRIPTION AND PURPOSE OF BILL

House Bill 726 amends Title 23 (Domestic Relations) and the definition of child abuse.

The bill adds the definitions of:

- "Bodily injury" is the impairment of physical condition or substantial pain.
- "Child" is an individual under the age of 18.

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- “Founded report” is a child abuse report involving a perpetrator if any of the following applies for the same factual circumstances involved in the allegation of child abuse:
 - Judicial adjudications may include:
 - pleas of guilty or no contest;
 - finding of guilt ;
 - a dependency finding if the child has been abused ;
 - a delinquency finding if the child has been abused.
 - There has been acceptance into an accelerated rehabilitate disposition program.
 - A consent decree has been entered in a juvenile proceeding and there is an acknowledgement, admission or finding of abuse against the child alleged to be delinquent.
 - A final protection from abuse (PFA) order has been granted and the child is one of the individuals to be protected and:
 - Only one individual is charged with the abuse;
 - Only that individual defends against the charge;
 - The PFA finds that the abuse occurred and prohibits further contact between the individual and the child.
- “Child abuse” is: recklessly, knowingly, or intentionally doing any of the following:
 - Causing bodily injury to a child;
 - Feigning or exaggerating a medical symptom or disease which results in potentially harmful medical evaluation or treatment of a child;
 - Causing or substantially contributing to serious mental injury to a child;
 - Causing sexual abuse or exploitation of a child;
 - Creating a reasonable likelihood of bodily injury to a child;
 - Creating a reasonable likelihood of sexual abuse or exploitation of a child;
 - Causing serious physical neglect of a child;
 - Engaging in any of the following acts:
 - Kicking, biting, throwing, burning, stabbing or cutting the child in a manner that endangers the child;
 - Unreasonably restraining or confining the child;
 - Forcefully shaking a child under one year of age;
 - Forcefully slapping or striking a child under one year of age;
 - Interfering with the breathing of a child;
 - Causing the child to be present at a methamphetamine laboratory;

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- Leaving a child with an individual, other than the child's parent, who has been convicted of or be determined:
 - Any Tier II or III sexual offense, where the victim was under 18;
 - A sexually violent predator;
 - A sexually violent delinquent.
- Causing the death of the child.
- "Indicated report" is a report of child abuse if an investigation by the department or county agency determines that substantial evidence of the alleged abuse by a perpetrator exists based on any of the following, regardless of the number of alleged perpetrators or the inability to identify the specific perpetrator among two or more alleged perpetrators:
 - Available medical evidence.
 - The child protective service investigation.
 - An admission of the acts of abuse by the perpetrator.

Abuse may be indicated regardless of the number of alleged perpetrators or the inability to identify the specific perpetrator among two or more alleged perpetrators.

- "Intentionally" has the same meaning as provided within Title 18 (Crimes and Offenses).
- "Knowingly" has the same meaning as provided for within Title 18 (Crimes and Offenses).
- "Parent" is a biological parent, adoptive parent, or legal guardian.
- "Recklessly" has the same meaning as provided for within Title 18.
- "Serious physical neglect" is any of the following when committed by a perpetrator that endangers a child's life or health, threatens a child's well-being, causes bodily injury or impairs a child's health, development or functioning:
 - A repeated, prolonged or egregious failure to supervise a child in a manner that is appropriate considering the child's developmental age and abilities.
 - The failure to provide a child with adequate essentials of life, including food, shelter or medical care.

The bill provides for the following exclusions from child abuse:

- Environmental factors that are beyond the control of the parent or person responsible for the child's welfare, such as inadequate housing, furnishings, income, clothing and medical care.

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- Practice of religious beliefs if the county agency determines that a child has not been provided needed medical or surgical care because of seriously held religious beliefs of the child's parents or guardian within the third degree of consanguinity with whom the child resides, which beliefs are consistent with those of a bona fide religion. The use of reasonable force for disciplinary purposes by a person responsible for a child's welfare if any of the following conditions apply:
- The use of reasonable force for safety purposes would be permissible by a child's own parent or a person responsible for the child's welfare in order to quell a disturbance, remove a child, prevent self-inflicted harm, self-defense of defense of another, or to obtain possession of weapons or dangerous objects.
- There is no restriction on the generally recognized existing rights of parents to use reasonable supervision and control when raising their children.
- Participation in events themselves that involve physical contact with a child such as an interscholastic sport, physical education or an extracurricular activity involving physical contact.

The bill establishes child-on-child contact as child abuse only if the child who causes harm or injury is considered a perpetrator or the act constitutes the following crimes:

- Rape;
- Involuntary deviate sexual intercourse;
- Sexual assault;
- Aggravated indecent assault;
- Indecent assault;
- Indecent exposure.

This act shall take effect on December 31, 2014.

FISCAL IMPACT:

The enactment of this bill has a potential to cost up to \$6.077 million in total funds (\$4.741 million in general fund, \$1.185 million in county funds and \$0.151 million in federal funds). This costs assumes that the expansion of the definition of child abuse could increase child abuse investigations by 5% or 1,333 additional investigations.

The 1,333 additional investigations would require additional county staff. On average, a county children and youth employee completes 120 investigations per year. Therefore, the counties would need to increase their staffing levels by 11 employees and 2 supervisors.

In addition, thirty percent of these investigations are accepted for services which is estimated to be 400 families. On average, a county children and youth employee has a caseload of twenty families that are receiving children and youth services per year. Based upon the average caseload, counties would have to increase their staffing levels by 20 employees and 4 supervisors. The cost estimate includes 84 percent of the families receiving in-home services and the remaining 16 percent of the families having their children placed.