

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1817 (PCB PS 04-07) Juvenile Justice/Parental Involvement/Orange County Pilot Project
SPONSOR(S): Committee on Public Safety & Crime Prevention
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Public Safety & Crime Prevention</u>	<u>18 Y, 0 N</u>	<u>Whittier</u>	<u>De La Paz</u>
2) _____	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

HB 1817 creates a pilot project in Orange County whereby the parents¹ of juveniles subject to cost-of-care provisions described in ss. 985.215(6), 985.231(1)(b), or 985.233(4)(d), F.S., can participate in a parenting education course that is approved by the Department of Juvenile Justice (DJJ or the department) in lieu of paying all or a portion of those fees. The department is authorized to develop a reasonable and uniform formula for specifying a number of participation hours in lieu of the \$5 per day fee. This applies also to parents who have a current or delinquent obligation to pay the required fees.

The department is authorized to contract with private or public entities in Orange County to provide the parenting classes, providing the entity has appropriate expertise. Upon the parent providing proof of successful completion of the course to the department, the department shall waive the costs associated with the child's care or supervision by the department. The parent is to bear all costs of the parent's participation in the parenting education classes. The value of the waiver may not exceed \$450.

The Orange County circuit court may not reduce or waive any required fees associated with the cost of the child's care or supervision except that 1) the court may reduce or waive the fees if the court makes a finding on the record that the parent or guardian was the victim of the delinquent act or violation of law for which the child has been placed under the care or supervision of the department and that the parent or guardian has cooperated in the investigation and prosecution of the offense; and 2) the court may authorize the parent to participate in a course of parenting education classes in lieu of paying all or a portion of the required fees. If the parent's obligation to pay fees exceeds \$450, the court may reduce or waive the remaining fees upon verification by the department that the parent has successfully completed the course. This option is not to apply in situations where there is a court order specifically prohibiting participation in lieu of payment.

The department is directed to compile a report (to be submitted to the Legislature and Governor) including the following information:

- The number of parents who participate in the parenting classes in lieu of paying the required fees;
- The number of parents who successfully complete the classes;
- Whether any child of a participating parent is referred to the department during FY 2004-05 subsequent to the referral associated with the parent's initial participation; and
- The total amount of cost-of-care fees collected during FY 2003-04 and FY 2004-05.

Fiscal impact on the state is indeterminate at this time.

¹ "Parent" is defined in the bill as mother, father, or legal guardian of a child.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1817.ps.doc
DATE: March 22, 2004

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 5. Empower families? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |

For any principle that received a “no” above, please explain:

B. EFFECT OF PROPOSED CHANGES:

Cost-of-Care Recovery

Currently, in accordance with s. 985.215(6), F.S., when a when any child is placed into secure, nonsecure, or home detention care or into other placement pursuant to a court order following a detention hearing, the court is to order the parents or guardians of the child to pay to the Department of Juvenile Justice (DJJ or department) a fee of \$5 per day that the child is under the care or supervision of the department “in order to partially offset the cost of the care, support, maintenance, and other usual and ordinary obligations of parents to provide for the needs of their children,” unless the court makes a finding on the record that the parent or guardian of the child is indigent.

If the court makes a finding of indigence, the parent or guardian is to pay to the department a “nominal subsistence fee” of \$2 per day that the child is securely detained outside the home or \$1 per day if the child is otherwise detained in lieu of other fees related to the parent's obligation for the child's cost of care. The nominal subsistence fee may only be waived or reduced if the court makes a finding that such payment would constitute a significant financial hardship.

Further, the court may reduce or waive the fees if the court makes a finding on the record that the parent or guardian was the victim of the delinquent act or violation of law for which the child is detained and that the parent or guardian is cooperating in the investigation of the offense.

The court must include specific findings in the detention order as to what fees are ordered, reduced, or waived.

The same cost-of-care provisions are found in s. 985.231(1)(b), F.S., when a child is placed in a residential commitment program following an adjudication of delinquency. These provisions are also found in s. 985.233(4)(d), F.S., for juveniles receiving a commitment to the department following prosecution as an adult.

HB 1817

HB 1817 creates a pilot project in Orange County whereby the parents² of juveniles subject to cost-of-care provisions described in ss. 985.215(6), 985.231(1)(b), or 985.233(4)(d), F.S., may attend and participate in a course of parenting education classes that is approved by the

² “Parent” is defined in the bill as mother, father, or legal guardian of a child.

department in lieu of paying all or a portion of those fees. The department is authorized to develop a reasonable and uniform formula for specifying a number of participation hours in lieu of the \$5 per day fee.

The department is directed to notify the parents of the option to participate in the pilot project including a description of the course contents and the number of participation hours that the parent will be required to successfully complete in order to receive the waiver. The department is also directed to provide notification to parents who have a current or delinquent obligation to pay the required fees.

The department is authorized to contract with private or public entities in Orange County to provide the parenting classes, providing the entity has appropriate expertise.

Upon the parent providing proof of successful completion of the course to the department, the department shall waive the costs associated with the child's care or supervision by the department. The parent is to bear all costs of the parent's participation in the parenting education classes. The value of the waiver may not exceed \$450.

The Orange County circuit court may not reduce or waive any required fees associated with the cost of the child's care or supervision except as provided in subsection (6), which allows the following:

- The court may reduce or waive the fees if the court makes a finding on the record that the parent or guardian was the victim of the delinquent act or violation of law for which the child has been placed under the care or supervision of the department and that the parent or guardian has cooperated in the investigation and prosecution of the offense.
- The court may authorize the parent to participate in a course of parenting education classes in lieu of paying all or a portion of the required fees. If the parent's obligation to pay fees exceeds \$450, the court may reduce or waive the remaining fees upon verification by the department that the parent has successfully completed the course, and a court finding that the participating parent or guardian is indigent according to the existing provisions of statute allowing the court to order "nominal subsistence fees" or to waive the fees entirely due to financial hardship.³

The department is further directed to identify measurable outcomes for the pilot project, including but not limited to the following:

- The number of parents who participate in the parenting education classes in lieu of paying the required fees;
- The number of parents who successfully complete the classes;
- Whether any child of a participating parent is referred to the department during FY 2004-05 subsequent to the referral associated with the parent's initial participation; and
- The total amount of cost-of-care fees collected during FY 2003-04 and FY 2004-05.

This report is to be submitted to the Legislature and the Governor by October 1, 2005.

Finally, this section may not apply to situations where there is a court order specifically prohibiting participation in lieu of payment.

³ See ss. 985.215(6), 985.231(1)(b), or 985.233(4)(d), F.S.

C. SECTION DIRECTORY:

Section 1. Creates the Orange County Parental Involvement Pilot Project.

Section 2. Provides that the act take effect upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Private providers may be contracted with by the department to provide parenting education classes.

The parent⁴ of a juvenile subject to cost-of-care provisions described in ss. 985.215(6), 985.231(1)(b), or 985.233(4)(d), F.S., is to bear all costs of the parent's participation in the parenting education classes.

D. FISCAL COMMENTS:

According to DJJ, to implement the provisions of the bill, the following will be necessary and will have associated, but as-of-yet unidentified costs:

- An MIS staff person to create a special Cost-of-Care billing subsystem for Orange County;
- Procurement of and contract for the parenting classes;
- Staff to perform the tracking services;
- Modification of the Juvenile Justice Information System to collect the information required to fulfill the report requirements in the bill; and
- Data and Research involvement generating the report.

⁴ "Parent" is defined in the bill as mother, father, or legal guardian of a child.

Per DJJ, the state-wide collections for recoupment of cost-of-care for FY 2002-03 are at 5.57%. Statewide collections for FY 2003-04 currently are at about 15%, due to billing of smaller amounts to individual parents.

The following are the collections for Orange County for the last three years:

Report Month	Actual Billed	Cash Received
7/1/2000	\$15,549	\$120
8/1/2000	\$19,130	\$780
9/1/2000	\$20,150	\$540
10/1/2000	\$21,065	\$620
11/1/2000	\$31,360	\$140
12/1/2000	\$54,095	\$40
1/1/2001	\$58,056	\$360
2/1/2001	\$57,223	\$4,840
3/1/2001	\$66,692	\$6,395
4/1/2001	\$71,240	\$4,599
5/1/2001	\$78,850	\$4,251
6/1/2001	\$76,857	\$80
7/1/2001	\$77,842	\$0
8/1/2001	\$81,657	\$0
9/1/2001	\$87,219	\$400
10/1/2001	\$94,619	\$55
11/1/2001	\$97,823	\$21,735
12/1/2001	\$108,646	\$0
1/1/2002	\$103,707	\$167
2/1/2002	\$96,947	\$1,915
3/1/2002	\$113,498	\$6,095
4/1/2002	\$117,348	\$2,460

5/1/2002	\$114,866	\$2,640
6/1/2002	\$59,579	\$1,269
7/1/2002	\$84,566	\$2,890
8/1/2002	\$137,533	\$1,760
9/1/2002	\$104,350	\$1,185
10/1/2002	\$103,886	\$3,423
11/1/2002	\$95,579	\$1,615
12/1/2002	\$99,056	\$4,390
1/1/2003	\$89,236	\$2,912
2/1/2003	\$79,184	\$4,698
3/1/2003	\$71,564	\$7,665
4/1/2003	\$91,032	\$3,870
5/1/2003	\$131,440	\$3,585
6/1/2003	-	\$3,355
7/1/2003	\$183,845	\$16,359
8/1/2003	-	\$6,683
9/1/2003	-	\$5,676
10/1/2003	-	\$1,050
11/1/2003	\$83,904	\$828
TOTAL	3,079,193	\$131,445

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

N/A

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

In order to address the educational component of the bill, the department will need to bring together staff of Training, Prevention, and possibly other areas of DJJ to assess and establish criteria, purposes, desired outcomes, etc., for the different educational classes that will be needed, prior to determining which entities will be utilized to provide parental training.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On March 17, 2004, the Committee on Public Safety & Crime Prevention passed the PCB with one amendment. The amendment provided that it is the parent's responsibility to bear all costs of the parent's participation in the parenting education classes.