

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 4023 A

Seventy-Sixth Oregon Legislative Assembly – 2012 Regular Session
Legislative Fiscal Office

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Measure Description:

Creates community guardianships as permanency planning option for ward in substitute care.

Government Unit(s) Affected:

Department of Human Services (DHS), Oregon Judicial Department (OJD), Oregon Public Defense Services Commission (PDSC), counties

Local Government Mandate:

This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

Analysis:

House Bill 4023 allows the court to appoint a community guardian and establish a community guardianship of children in the custody of the Department of Human Services (DHS) who are 16 years of age or older. The bill directs the court to conduct a review within 60 days before the ward reaches 18 years of age. The court is also required to inform the ward that after reaching 18 years of age, the ward may not be placed in substitute care in the legal custody of the Department of Human Services.

Department of Human Services (DHS)

Passage of this bill is anticipated to result in potential savings for DHS. However, at this time, the savings are indeterminate. As a point of reference, the department reports that the average cost of foster care during the 2009-11 biennium averaged approximately \$26,605 total funds a year per child. DHS anticipates only a small number of children will meet the eligibility requirements for community guardianship specified by this bill (over 16 years of age, has spent 3 or more years in substitute care, and the proposed community guardian has provided care or services to the ward in the 12 months immediately preceding the filing for community guardianship). Assuming an average of two children diverted out of DHS care per year as a result of passage of this bill, the department could realize a savings of \$106,420 total funds per biennium. Note that these savings assume that the appointed community guardian will not receive guardianship assistance costs from DHS.

Oregon Judicial Department (OJD), Oregon Public Defense Services Commission (PDSC) and counties

Passage of this bill is anticipated to have minimal fiscal impact on OJD, PDSC and counties. The bill could result in an increase in proceedings for the appointment of community guardianships. However, note that DHS anticipates the number of these proceedings to be small.