



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2027 Biennium

Bill#/Title: SB0367.01: Revise citizen review boards in DN proceedings

Primary Sponsor: Dennis Lenz Status: As Introduced

☐ Included in the Executive Budget      ☒ Needs to be included in HB 2      ☐ Significant Local Gov Impact  
☐ Significant Long-Term Impacts      ☒ Technical Concerns      ☐ Dedicated Revenue Form Attached

### FISCAL SUMMARY

	<u>FY 2026 Difference</u>	<u>FY 2027 Difference</u>	<u>FY 2028 Difference</u>	<u>FY 2029 Difference</u>
<b>Expenditures</b>				
General Fund (01)	\$1,414,269	\$1,369,379	\$1,390,011	\$1,410,861
<b>Revenues</b>				
General Fund (01)	\$0	\$0	\$0	\$0
<b>Net Impact</b>	<u>(\$1,414,269)</u>	<u>(\$1,369,379)</u>	<u>(\$1,390,011)</u>	<u>(\$1,410,861)</u>
<b>General Fund Balance</b>				

### Description of fiscal impact

SB 367 eliminates the foster care review committees appointed by the Department of Public Health and Human Services (DPHHS) and requires the office of the court administrator to appoint citizen review boards to review cases where a child has been removed from the home and is not returned after the show cause hearing or if removal is ordered. The office of the court administrator will provide annual training to board members and will employ staff to provide support services for the boards.

### FISCAL ANALYSIS

#### Assumptions

#### Judicial Branch

- Section 13 eliminates the existing foster care review committees allowed for in 41-3-115, MCA, and section 5 provides for the Office of the Court Administrator to establish a minimum number of citizen review boards (CRB) and to provide support services for the boards.
- DPHHS currently has approximately 1,905 children in foster care that require annual reviews by the court or the CRB per section 4 (1)(a)(ii). There were 1,276 children removed by DPHHS in FY 2024. The Judicial Branch assumes these number will remain constant for FY 2026 and FY 2027.
- The Judicial Branch assumes that there will be approximately 28 boards with an average of four members each for a total of 112 citizen review board members statewide.
- It is estimated that there will be 15.00 FTE supporting the boards across the state. Starting salary for support staff is \$24.90 per hour for an annual cost of \$73,894 per FTE including benefits and state share health insurance. Total personal services costs for the 15 FTE is \$1,108,410 in each FY 2026 and FY 2027.
- A 1.00 FTE supervisor will manage the 15 support staff at a starting hourly rate of \$29.01 for a total annual cost of \$74,299 including benefits and state share health insurance.
- Total personal services in FY 2026 and FY 2027 are estimated at \$1,182,709 (\$1,108,410 for 15 support staff + \$74,299 for the supervisor).

7. The one-time start up cost for new employees is \$2,800 for a laptop, printer, desk, and chair. Total one-time start up costs is \$44,800 (16 employees X \$2,800).
8. Section 6 requires the Office of the court Administrator to provide 16-hours of orientation and 8 hours of continuing education to board members annually. The Judicial Branch will provide one training session each year to meet these requirements at an estimated cost of \$120,200. This estimate is based on the FY 2024 cost for the court of limited jurisdiction judges fall training conference, which the office of the court administrator puts on each year. The number of attendees and length of time are similar. The cost estimate includes meeting room fees, presenter costs, printed materials, AV rentals, and related travel expenses including lodging, mileage, and meal reimbursements.
9. Citizen review board members will utilize remote technology as much as possible to keep travel costs to a minimum, but on occasion will be required to travel for reviews and hearings. State appointed board members are allowed travel reimbursement at state allowed rates per 2-18-501, MCA. Estimated travel costs are \$66,560 per year and are based on the following assumptions:
  - a. Estimated average round trip mileage is estimated at 185 which is based on half the average mileage for each regional office to the farthest city in the region.
  - b. Travel will be required for 10% of the removals, or for 128 hearings (1,276 removals X 10%).
  - c. The current mileage reimbursement rate is \$0.07 per mile.
  - d. Total travel is 185 miles per trip X \$0.7 per mile = \$130 per member X 4 members = \$520 travel costs per board for 128 hearings = \$66,560 annual travel costs.
10. Total costs are \$1,414,269 (\$1,182,709 for personnel + \$44,800 start up costs + \$120,200 training + \$66,560 travel) in FY 2026 and \$1,369,469 (\$1,182,709 for personnel + \$120,200 training + \$66,560 travel) in FY 2027. A 1.5% inflation factor has been applied for FY 2028 and FY 2029.

**Department of Health and Human Services (DPHHS)**

11. SB 367 repeals 41-3-115, MCA, Foster Care Review Committee and replaces it with a Citizen Review Board.

**Fiscal Analysis Table**

	<b><u>FY 2026 Difference</u></b>	<b><u>FY 2027 Difference</u></b>	<b><u>FY 2028 Difference</u></b>	<b><u>FY 2029 Difference</u></b>
<b><u>Fiscal Impact</u></b>				
FTE	15.00	15.00	15.00	15.00
<b>TOTAL Fiscal Impact</b>	<b>15.00</b>	<b>15.00</b>	<b>15.00</b>	<b>15.00</b>
<b><u>Expenditures</u></b>				
Personal Services	\$1,182,709	\$1,182,709	\$1,200,450	\$1,218,456
Operating Expenses	\$231,560	\$186,670	\$189,561	\$192,405
<b>TOTAL Expenditures</b>	<b>\$1,414,269</b>	<b>\$1,369,379</b>	<b>\$1,390,011</b>	<b>\$1,410,861</b>
<b><u>Funding of Expenditures</u></b>				
General Fund (01)	\$1,414,269	\$1,369,379	\$1,390,011	\$1,410,861
<b>TOTAL Funding of Expenditures</b>	<b>\$1,414,269</b>	<b>\$1,369,379</b>	<b>\$1,390,011</b>	<b>\$1,410,861</b>
<b><u>Revenues</u></b>				
<b><u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</u></b>				
General Fund (01)	(\$1,414,269)	(\$1,369,379)	(\$1,390,011)	(\$1,410,861)

Technical Concerns

Department of Public Health and Human Services

1. SB 367 repeals 41-3-115, MCA Foster Care Review Committee and replaces it with a Citizen Review Board. Under 42 US Code 671(a)(16), each state shall provide an administrative case review system that reviews each foster care child's case plan no less than every six months. Failure to have an administrative case review system established and a review of each child's foster care case every six months will result in non-compliance with the Montana's federally required Title IV-E State Plan and the Child and Family Services Review, Systemic Factor Number Two. Non-compliance with the Title IV-E State Plan will result in ongoing federal Program Improvement Plans and penalties for non-compliance and federal penalties established in 45 CFR 1355.36.

NO SPONSOR SIGNATURE

2/27

Sponsor's Initials

Date



Budget Director's Initials

2/27/2025

Date