

<b>LFC Requester:</b>	<b>Chenier</b>
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**PUBLIC EDUCATION DEPARTMENT  
BILL ANALYSIS  
2023 REGULAR SESSION**

**SECTION I: GENERAL INFORMATION**

Check all that apply:

Original  Amendment   
 Correction  Substitute

Date Prepared: 03/09/23  
 Bill No: [HB461/HAFCS](#)

Sponsor: Chasey  
 Short Title: CHILDREN'S & FAMILIES' RIGHTS ACT

Agency Name and Code  
 Number: PED - 924  
 Person Writing: Gregory Frostad  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY23	FY24		
None	None	Nonrecurring	GF

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY23	FY24	FY25		
None	None	None	N/A	NFA

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	None	\$1,611.252	Undetermined	Undetermined	Nonrecurring	GF

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Relates to Appropriation in the General Appropriation Act: None.

**SECTION III: NARRATIVE**

**BILL SUMMARY**

**Synopsis of HAFCS Substitute:** The House Appropriation and Finance Committee Substitute for House Bill 461 (HB461/HAFCS) defines “center” as the Child Welfare Innovation Center and attaches the Office of Children’s and Families Rights administratively to the Children, Youth and

Families Department (CYFD). The Child Welfare Innovation Center will fund, support with staff, and appoint members to the Provider Advisory Council. The committee substitute adds to the council “one youth or young adult who is currently or was previously placed in state custody; and one parent who currently has or previously had a child in state custody.” The committee substitute also provides for staggered terms with term limits for members of the council.

**Synopsis of Original Bill:** House Bill 461 (HB461) amends the [Children’s Code](#) to enact the Children’s and Families’ Rights Act and the Child Welfare Innovation Center Act and creates the Office of Children’s and Families’ Rights (Office) within the CYFD. The purpose of the office will be to provide independent and objective recommendations to the CYFD to improve outcomes and well-being for foster children and to give a voice to children so that every child in foster care understands the child's rights and achieves the child's potential.

The bill also creates a governor-appointed Provider Advisory Council to make recommendations to the office, represent the concerns of service providers, and review reports from the office.

The bill establishes the Child Welfare Innovation Center with intent to strengthen the capacity and sustainability of the state’s child welfare system at the local and state levels. Child and family advocacy boards will be administratively attached to the center to conduct case reviews in accordance with state and federal law.

HB462 replaces and repeal [Sections 32A-8-1 through 32A-8-7—Citizen Substitute Care Review Act](#), which provide for “independent and objective monitoring of children placed in the custody of the department by examining the policies, procedures and practices of the department and, where appropriate, specific cases to evaluate the extent to which the department is effectively discharging its child protection responsibilities.”

The effective date of the bill is July 1, 2023.

### **FISCAL IMPLICATIONS**

HB461/HAFCS does not contain an appropriation.

The House Appropriations and Finance Committee Substitute for House Bill 2 (HB2/HAFCS) appropriates funds to cover the estimated \$1.6 million from the General Fund to CYFD for expenditure in FY24 to implement the provisions of the Children’s and Families’ Rights Act and the Child Welfare Innovation Center Act.

### **SIGNIFICANT ISSUES**

The Office of Children’s and Families’ Rights would function independently of the CYFD to investigate and respond to complaints and report findings with recommendations. It would also have the rulemaking authority for the performance of its duties. The Child Welfare Innovation Center and its advisory boards would be administratively attached to the office.

### **PERFORMANCE IMPLICATIONS**

None.

### **ADMINISTRATIVE IMPLICATIONS**

None.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None.

**TECHNICAL ISSUES**

None.

**OTHER SUBSTANTIVE ISSUES**

None.

**ALTERNATIVES**

None.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

None.

**AMENDMENTS**

None.