

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6539

BILL NUMBER: HB 1061

DATE PREPARED: Nov 23, 1999

BILL AMENDED:

SUBJECT: Foreign adoption agencies.

FISCAL ANALYST: John Parkey

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FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill requires a person who offers advice, information, or assistance regarding the adoption of a child who is not a citizen of the United States to be licensed by the Division of Family and Children as a child placing agency and to maintain a director's and officer's insurance policy of at least \$1,000,000. The bill makes it a Class D felony for the person to provide adoption services without a license or to otherwise violate the provisions governing child placing agencies.

Effective Date: July 1, 2000.

Explanation of State Expenditures: It is estimated that this bill will have no fiscal impact on the Division of Family and Children since most of these individuals are currently licensed.

Penalty Provision: This bill creates a Class D felony for a person to provide adoption services without a license or otherwise violate the provisions relating to child placing agencies. A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$17,500 in FY 1998. Individual facility expenditures range from \$11,900 to \$29,400. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually or \$5 daily per prisoner. The average length of stay in DOC facilities for all Class D felony offenders is approximately ten and a half months.

Explanation of State Revenues: There is no license fee required for these adoption agencies.

Penalty Provision: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class D felony is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior or county

court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed, and if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed, and if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Correction; Division of Family and Children, Family and Social Services Administration.

Local Agencies Affected: Family and Social Services Administration, Trial courts, local law enforcement agencies.

Information Sources: Tom Quarto- 232-4719, Family and Social Services Administration; Indiana Sheriffs Association, Department of Correction.