



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number: S. 0805 Signed by Governor on May 3, 2018
Author: Shealy
Subject: Department of Children’s Advocacy
Requestor: Senate
RFA Analyst(s): Shuford, Gardner, A. Martin, and Powell
Impact Date: June 19, 2018

Estimate of Fiscal Impact

	FY 2018-19	FY 2019-20
State Expenditure		
General Fund	\$0	See Below
Other and Federal	\$0	See Below
Full-Time Equivalent Position(s)	\$0	See Below
State Revenue		
General Fund	\$0	\$0
Other and Federal	\$0	See Below
Local Expenditure	\$0	\$0
Local Revenue	\$0	\$0

Fiscal Impact Summary

This bill creates the Department of Children’s Advocacy (DCA), which will have a recurring expenditure impact to the General Fund for an Executive Director of approximately \$107,671 for one new FTE. We anticipate that the new agency will utilize existing appropriations and allocations for the expenditures associated with the new executive director.

The Department of Administration will transfer 4 programs to DCA, which are comprised of 207 FTE positions and 26 temporary or time-limited positions. These positions are currently within the Department of Administration’s budgeted appropriations. Expenditures for these positions total \$6,320,204 from the General Fund, \$11,027,688 from Other Funds, and \$50,000 from Federal Funds in FY 2017-18. The programs’ funds and positions will be transferred to the DCA. There will be no expenditure impact to the General Fund, Other Funds, or Federal Funds of the Department of Administration.

This bill will have no expenditure impact to the General Fund, Other Funds, or Federal Funds for Department of Mental Health, Department of Social Services, Department of Health and Human Services, Department of Disabilities and Special Needs, Department of Juvenile Justice, Department of Health and Environmental Control, John de la Howe School, School for the Deaf and Blind, Wil Lou Gray Opportunity School, Department of Education, and Office of Inspector General.

Explanation of Fiscal Impact

Signed by Governor on May 3, 2018

State Expenditure

The bill creates the Department of Children's Advocacy, headed by an executive director appointed to a six-year term by the Governor upon the advice and consent of the Senate. The DCA is responsible for ensuring that children receive adequate protection and care from services or programs offered by the Department of Social Services (DSS), the Department of Mental Health (DMH), the Department of Health and Human Services (HHS), the Department of Juvenile Justice (DJJ), the Department of Health and Environmental Control (DHEC), the Department of Disabilities and Special Needs (DDSN), the John de la Howe School (JDLH), the Wil Lou Gray Opportunity School (Wil Lou Gray), and the School for the Deaf and Blind (SCSDB). The DCA shall submit an annual report to the Governor, President Pro Tempore of the Senate, and Speaker of the House of Representatives detailing the agency's activities.

State agencies shall inform the DCA within twenty-four hours of a critical incident, which includes a fatality, near fatality, or serious bodily or emotional injury of a child who is in the custody of or receiving services from a state agency, or circumstances that result in a reasonable belief that a state agency failed in its duty to protect a child. The DCA shall conduct an investigation of these critical incidents.

The DCA shall establish a toll-free public telephone number for the purposes of receiving complaints on the provision of services to children by state agencies. DSS, DMH, HHS, DJJ, DHEC, DDSN, JDLH, the Wil Lou Gray Opportunity School, and SCSDB shall post the toll-free public telephone number prominently in clear view of all employees, the public, and in a conspicuous location on the agencies' website. The Cass Elias McCarter Guardian ad Litem Program, the Division for Review of the Foster Care of Children, the Developmental Disabilities Council, and the Continuum of Care for Emotionally Disturbed Children Division shall be transferred from the Department of Administration to the DCA. An Interagency System for Caring for Emotionally Disturbed Children shall be established, consisting of the DCA, DDSN, HHS, DMH, and DSS. The bill repeals Section 63-11-1110 and deletes Section 1-11-10 (A)(8), which created the Children's Case Resolution System.

A new FTE position of executive director of the DCA will require an expenditure of approximately \$107,671, which includes salary and fringe benefits from the General Fund. This estimate uses the midpoint of the band for a Program Manager II in the State classification system. We anticipate that the new agency will utilize existing appropriations and allocations for the expenditures associated with the new executive director.

A future decision for the new agency will include its location assuming that the new agency chooses to co-locate its departments. This analysis generally assumes an average of 210 square feet per employee, which includes circulation and common space. This methodology is similar to the analysis utilized by the Department of Administration when evaluating agency space needs. It also assumes that the agency would occupy rented space in the Columbia area at a gross cost of \$13.10 per square foot. Given these considerations, there may be some savings realized for the agencies from which these programs are being transferred, if those agencies are able to reduce the amount of leased space or the Department of Administration can find another

state entity to occupy the existing spaces. The amount of these savings is undetermined until real estate agreements are finalized.

Department of Administration. The bill transfers the agency's Continuum of Care for Emotionally Disturbed Children, the Developmental Disabilities Council, the Foster Care Review Board, and the Cass Elias McCarter Guardian ad Litem Program to the DCA. The bill removes the Children's Case Resolution System. For FY 2017-18, these programs had total expenditures for these positions of \$6,320,204 from the General Fund, \$11,027,688 from Other Funds, and \$50,000 from Federal Funds in FY 2017-18. The program funds and positions will be transferred to the DCA. There will be no expenditure impact to the General Fund, Other Funds, or Federal Funds of the Department of Administration.

Department of Social Services. This bill requires the agency to post the toll-free public telephone number for the purposes of receiving complaints on the provision of services to children by state agencies prominently in clear view of all employees, the public, and on the agency's website. The agency indicates that printing and website updates can be managed within current appropriations. Additionally, the department anticipates that their Office of Child Advocate will be able to assist DCA on investigations of complaints related to the provision of services to children with existing staff and appropriated or allocated resources.

Department of Mental Health. This bill requires the agency to post the toll-free public telephone number for the purposes of receiving complaints on the provision of services to children by state agencies prominently in clear view of all employees, the public, and on the agency's website. The agency indicates that printing and website updates can be managed within current appropriations.

Department of Health and Human Services. This bill requires the agency to post the toll-free public telephone number for the purposes of receiving complaints on the provision of services to children by state agencies prominently in clear view of all employees, the public, and on the agency's website. The agency indicates that printing and website updates can be managed within current appropriations.

Department of Disabilities and Special Needs. The department indicates that this bill would have no fiscal impact to the General Fund, Other Funds, or Federal Funds. Any expenditures related to posting the toll-free public telephone number for the purposes of receiving complaints on the provision of services to children by state agencies online and in print can be managed within current appropriations.

Department of Juvenile Justice. The department indicates that this bill would have no fiscal impact to the General Fund, Other Funds, or Federal Funds. Any operational expenditures to post the toll-free public telephone number for the purposes of receiving complaints on the provision of services to children by state agencies would be managed within current appropriations.

Department of Health and Environmental Control. This bill requires the agency to post the toll-free public telephone number for the purposes of receiving complaints on the provision of

services to children by state agencies for all employees, the public, and on their website. This bill requires DHEC also to cooperate with the State Board of Education and the State Department of Education in supporting special education and carrying out the requirements of the Federal Individuals with Disabilities Education Act. This bill requires the department to perform activities that will be conducted in the normal course of agency business. As a result, this bill does not have an expenditure impact on the General Fund, Federal Funds, or Other Funds of the agency.

John de la Howe School. This bill requires JDLH to post the toll-free public telephone number for the purposes of receiving complaints on the provision of services to children by state agencies prominently in clear view of all employees, the public, and on the JDLH website. JDLH indicates that printing and website updates can be accomplished within existing appropriations. It further requires that the DCA shall have access at any and all reasonable times to any facility, residence, program or portion thereof that is operated, licensed or funded by a state agency, and that DCA shall have unrestricted access to all electronic information systems records, reports, materials, and employees. Depending on the definition of any and all reasonable times and how this is implemented by DCA, JDLH may incur additional expenses associated with developing a physical or technological system to enable such access. The residential programs at JDLH, particularly the Wilderness Program, may be operationally impacted by this requirement. JDLH indicates that there will be a minimal expenditure impact that can be managed within existing appropriations.

School for the Deaf and Blind. This bill requires SCSDB to post the toll-free public telephone number for the purposes of receiving complaints on the provision of services to children by state agencies prominently in clear view of all employees, the public, and on the SCSDB website. SCSDB indicates that printing and website updates can be accomplished within existing appropriations. The remaining provisions of the bill are similar to existing requirements with which SCSDB already complies or are provisions that SCSDB can easily comply with given sufficient notice. SCSDB indicates that there will be a minimal expenditure impact that can be managed within existing appropriations.

Wil Lou Gray Opportunity School. This bill requires Wil Lou Gray to post the toll-free public telephone number for the purposes of receiving complaints on the provision of services to children by state agencies prominently in clear view of all employees, the public, and on the Wil Lou Gray website. Wil Lou Gray indicates that printing and website updates can be accomplished within existing appropriations. The agency indicates that the remaining provisions of this bill can be accomplished using existing staff and resources. Wil Lou Gray estimates that complying with the provisions of this bill will require approximately five percent of the time of the Agency Director, the Director of Student Services, the Principal, the Shift Supervisors, nurses, counselors, and other staff. Wil Lou Gray indicates that there will be a minimal expenditure impact that can be managed within existing appropriations.

Department of Education. This bill removes the reference to the Children's Case Resolution System in Section 59-36-20 (C). Currently, if various state agencies are unable to agree on how to share the financial responsibilities for a particular child, the Children's Case Resolution System must decide the issue. The Department of Education does not anticipate an expenditure

impact related to the removal of this provision, nor does it anticipate an impact as a result of interacting with the new DCA.

Office of the Inspector General. This bill requires the State Inspector General to provide a written finding on any complaint against the State Child Advocate, the Department of Children’s advocacy, or the State Child Advocate, that results in an investigation. The State Child Advocate shall establish policies and procedures for the receipt of complaints and their referral to the Office of the Inspector General (OIG). The OIG indicates that in 2017, 79 complaints were filed which meet the criteria described in this bill. None of these complaints pertained to the fatality, near fatality, or serious injury of a child in the custody of or receiving services from a state agency, or circumstances that result in a reasonable belief that a state agency failed in its duty to protect a child. The OIG further indicates that they will continue to receive complaints, conduct investigations when necessary, and provide written findings as outlined in the bill, as these functions are within the normal course of agency business. The OIG does not expect to investigate a greater number of complaints because of this bill. As such, this bill will have no impact on the General Fund, Other Funds, or Federal Funds for the OIG.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director