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FISCAL IMPACT REPORT

ORIGINAL DATE 2/16/09

SPONSOR Cisneros LAST UPDATED _____ HB _____

SHORT TITLE Foster Care Children Available for Adoption SB 538

ANALYST Peery-Galon

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	\$200.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Children, Youth and Families Department (CYFD)

Health Policy Commission (HPC)

SUMMARY

Synopsis of Bill

Senate Bill 538 appropriates \$200.0 from the general fund to the Children, Youth and Families Department for the heart gallery programs and outreach for children in foster care who are available for adoption.

FISCAL IMPLICATIONS

The appropriation of \$200.0 contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2010 shall revert to the general fund.

According to the December 2008 revenue estimate, FY10 recurring revenue will only support a base expenditure level that is \$293 million, or 2.6 percent, less than the FY09 appropriation. All appropriations outside of the general appropriation act will be viewed in this declining revenue context.

CYFD fiscal year 2010 budget request included \$150 thousand for the Heart Gallery.

SIGNIFICANT ISSUES

The Heart Gallery program uses professionally-photographed portraits of children in CYFD foster care who are available for adoption. Since its inception, it has received national media attention and recognition and been duplicated in other states as a promising program, particularly in increasing adoption placements among populations traditionally hard to place, such as teenagers and sibling groups. In the past, funding received by CYFD for Heart Gallery programming has been used to design portrait displays, print informational material, provide support to older youth in foster care, develop the heartgallerynm.org website, and advertise Heart Gallery events.

HPC reported on March 29, 2001, at the suggestion of Santa Fe photographer and adoptive mother Cathy Maier Callanan, CYFD brought the expression "a picture is worth a thousand words" to life at the nation's first Heart Gallery exhibit. The reception at Santa Fe's Gerald Peters Gallery drew a crowd of people inspired by stirring portraits of children in CYFD custody who were dreaming of finding their "forever families." The portraits were created and donated by some of the region's most talented photographers. The Heart Gallery of New Mexico has inspired 40 other states to create similar projects.

The Heart Gallery of New Mexico was created to raise the awareness of children waiting to be adopted in New Mexico. At any given moment, there are over 2,200 children in the custody of CYFD due to abuse or neglect. While most children are returned to their birth families after certain court-established requirements are met, hundreds of children will never return home, and CYFD strives to find loving adoptive families for them. Currently, there are 80 children waiting to be adopted in New Mexico.

HPC reported AboutUsKids is an organization with the mission to recruit and connect foster and adoptive families with waiting children throughout the United States. AboutUsKids states that children are removed from their families due to neglect (such as not providing enough food for a child or leaving a child who is unable to care for herself alone) and/or physical, sexual or emotional abuse. In almost all cases, when children are removed from their parents, parents must be provided help so that they can safely parent their children. Slightly more than half of children who go into foster care return to their birth families. When parents are provided with help and they are still unable to parent safely and their children remain in foster care for 15 of the most recent 22 months, the state terminates the parents' rights. The children then become available for adoption.

HPC reported according the United States Department of Health and Human Services Department (HHS), waiting children are identified as children who have a goal of adoption and/or whose parental rights have been terminated. In the Adoption and Foster Care Analysis and Reporting System Report published by HHS, it was estimated that there are 287,000 children in foster care and of those in foster care, there were 114,000 children waiting to be adopted as of September 30, 2006. Of the 114,000 children available for adoption, 55 percent were in non-relative foster family homes, 19 percent were in relative foster homes, 13 percent were in pre-adoptive homes, and 11 percent were in group homes or institutions.

PERFORMANCE IMPLICATIONS

CYFD noted the proposed legislation supports the department’s efforts to increase the percent of children adopted within 24 months of entering foster care. This is a Federal Child and Family Service Review measure, and also state-level Accountability in Government Act measure.

ADMINISTRATIVE IMPLICATIONS

CYFD works in partnership with the Heart Gallery of New Mexico. CYFD reported it is able to absorb any administrative impact generated by the proposed legislation with existing staff.

RELATIONSHIP

Senate Bill 538 has a relationship with House Joint Memorial 21.

RPG/mt