

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: June 17, 2010
POSITION: Oppose

BILL NUMBER: SB 962
AUTHOR: C. Liu

BILL SUMMARY: Prisoners: Termination of Parental Rights

This bill would authorize the California Department of Corrections and Rehabilitation (CDCR) to establish a pilot project to facilitate the participation of prisoners in child dependency proceedings. It would also authorize prisoner participation in such hearings though videoconferencing.

FISCAL SUMMARY

This bill would allow the Department of Corrections and Rehabilitation (CDCR) to accept donated materials and services in order to implement a pilot program to facilitate the participation of incarcerated parents in dependency court hearings. We note that this measure does not require the CDCR to implement this program, even if a sufficient amount of private donations are made available.

The requirements for a court, as provided for in this measure, would be discretionary, and therefore, would not impose costs on the courts. However, Finance notes that creating an expectation of conferencing options would impose General Fund cost pressures.

SUMMARY OF CHANGES

Amendments to this bill since our analysis of the April 20, 2010 version include the following significant amendments which do not change our position:

- Removes the requirement that Finance make a determination that donated funds are sufficient to support the pilot program.
Require that the donors of materials and services that support the pilot program shall, within two years after the pilot program is initiated, make a report to the Legislature regarding the program and provide any data collected pursuant to the program.
States that this section shall remain in effect only until January 1, 2014, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2014, deletes or extends that date.

COMMENTS

Finance is opposed to this bill. Although the bill would not require implementation of the pilot program absent sufficient private funding being made available, it would create a new cost and workload pressure that may or may not be funded, depending on private donation collections. During this time of limited state resources and cutbacks, it is not appropriate to create a new program and impose new workload.

Under existing law, notice must be provided to a prisoner in advance of certain court proceedings regarding the prisoner's child. This bill would, at a court's discretion, allow a prisoner to participate in a child dependency hearing by videoconference, provided such technology is available. The bill also would state that a prisoner shall not lose internal job placement opportunities or other privileges as a result of these proceedings, subject to specified conditions. The bill would also authorize CDCR to establish a pilot project

Analyst/Principal Date Assistant Program Budget Manager Date
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Department Deputy Director Date

Governor's Office: By: Date: Position Approved
Position Disapproved

BILL ANALYSIS Form DF-43 (Rev 03/95 Buff)

AUTHOR

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COMMENTS (continued)

to facilitate the participation of incarcerated parents in dependency court hearings, to be funded with private funds.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)								Fund Code
	LA	(Dollars in Thousands)								
	CO RV	PROP 98	FC	2010-2011	FC	2011-2012	FC	2012-2013		
0250/Jud Branch	LA	No	-----	See Fiscal Summary	-----					0001
5225/Corr & Rehab	SO	No	-----	See Fiscal Summary	-----					0001