

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0101-01
Bill No.: Perfected SB 63
Subject: Family Law; Civil Procedure
Type: Original
Date: February 20, 2003

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | | | |
|-----------------------------------------------------------------------|----------------|----------------|----------------|
| FUND AFFECTED | FY 2004 | FY 2005 | FY 2006 |
| None | | | |
| | | | |
| Total Estimated Net Effect on General Revenue Fund | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON OTHER STATE FUNDS | | | |
|----------------------------------------------------------------|----------------|----------------|----------------|
| FUND AFFECTED | FY 2004 | FY 2005 | FY 2006 |
| None | | | |
| | | | |
| Total Estimated Net Effect on Other State Funds | \$0 | \$0 | \$0 |

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 4 pages.

| ESTIMATED NET EFFECT ON FEDERAL FUNDS | | | |
|---------------------------------------------------------------|----------------|----------------|----------------|
| FUND AFFECTED | FY 2004 | FY 2005 | FY 2006 |
| None | | | |
| | | | |
| Total Estimated Net Effect on <u>All</u> Federal Funds | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON LOCAL FUNDS | | | |
|--------------------------------------------|----------------|----------------|----------------|
| FUND AFFECTED | FY 2004 | FY 2005 | FY 2006 |
| Local Government | \$0 | \$0 | \$0 |

FISCAL ANALYSIS

ASSUMPTION

Officials of the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials of the **Department of Social Services** assume this bill adds language to §211.477, RSMo, which will help clear up confusion that has surrounded termination of parental rights cases for some time – i.e. when can you appeal a termination of parental rights case? The new proposed language answers that by stating “The granting or denial of a petition for termination of parental rights shall be deemed a final judgment for purposes of appeal.”

Previously, appellate courts have dismissed such appeals based upon the denial of a termination that has been denied stating that the judgment was not final for the purposes of appeal because the denial of a termination fails to dispose of all issues because the issue of custody is still in question. This language will permit parties who lose a termination of parental rights case to appeal leading to an increased fiscal impact to DFS. However, Juvenile Officers, DFS and Guardian ad Litem do not or rarely appeal terminations that have been denied and, therefore, this will generally only apply to TPR petitions filed by pre-adoptive parents. The amount of the increased fiscal impact is unknown due to the unknown number of TPR petitions filed by pre-

adoptive parents that are denied.

ASSUMPTION (continued)

Terminations that are granted will be unaffected by this language because the appellate courts permit appeals of terminations that have been granted. Therefore, the fiscal impact will remain zero.

Oversight assumes the number of appeals of termination of parental rights petitions filed by pre-adoptive parents that are denied would be small and that DOS could absorb the costs within existing resources. If DOS experiences an number of appeals that would require additional funding, DOS could request the funding through the appropriation process.

| <u>FISCAL IMPACT - State Government</u> | FY 2004 (10 Mo.) | FY 2005 | FY 2006 |
|-----------------------------------------|---------------------|------------|------------|
| | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |

| <u>FISCAL IMPACT - Local Government</u> | FY 2004 (10 Mo.) | FY 2005 | FY 2006 |
|-----------------------------------------|---------------------|------------|------------|
| | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

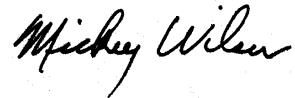
This proposal would make court rulings on terminations of parental rights be final judgements for purposes of appeal.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

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SOURCES OF INFORMATION

Office of State Courts Administrator
Department of Social Services

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
February 20, 2003