

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3090-02
Bill No.: SB 627
Subject: Children and Minors; Social Services Department
Type: Original
Date: January 30, 2006

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of State Courts Administrator** assume this proposal would not fiscally impact their agency.

Officials from the **Department of Corrections (DOC)** state currently, the DOC cannot predict the number of new commitments which may result from the creation of the offense outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

DOC states if additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost either through incarceration (FY05 average of \$39.13 per inmate, per day or an annual cost of \$14,282 per inmate) or through supervision provided by the Board of Probation and Parole (FY03 average of \$3.15 per offender, per day or an annual cost of \$1,150 per offender).

In summary, supervision by the DOC through probation or incarceration would result in some additional costs, but DOC assumes the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

ASSUMPTION (continued)

Officials from the **Department of Social Services - Division of Legal Services (DLS)** state this proposal will require all persons to report suspected incidents of child abuse and neglect to the Children's Division's child abuse and neglect hotline. DLS states the proposal will also make it a Class D felony if a person fails to make the report and the child subsequently dies as a result of the child abuse or neglect that was not reported. DLS assumes that this proposal will result in an increase in the number of reports of child abuse/neglect to the hotline system. The Children's Division has estimated that this legislation may result in a 5% system wide increase in the number of Child Abuse and Neglect hotline cases investigated and processed and an approximately 5% increase in the number of children coming into care.

DLS defends the Children's Division in court upon request for judicial review of hotline determinations. During FY 2005, DLS opened 35 appeals of decisions of the Child Abuse and Neglect Review Board. DLS estimates that this will translate into a net increase of 1 to 2 cases per fiscal year. This can be handled with existing resources.

DLS also represents the Children's Division in permanency planning cases. During 2005, the DLS opened 1,568 permanency planning cases. Assuming a 5% increase in the number of children coming into care, DLS estimates there will be an increase of 78 cases; the case load for one FTE staff attorney. DLS estimates cost will be \$121,302 in FY07, \$143,857 in FY08 and \$147,966 in FY09 for General Revenue. DLS estimates costs to be \$80,868 in FY07, \$95,904 in FY08, and \$98,644 in FY09 for Federal funds.

Officials from the **Department of Social Services - Children's Division (CD)** state this proposal would expand the current list of professionals and individuals who work with children (listed in 210.115.1 RSMo.) as mandated to report child abuse or neglect to the hotline to every person in Missouri. The current statute attaches a Class A misdemeanor for failure to report abuse or neglect. If this bill passes it adds that failure to report in situations which result in the death of a child would be a Class D Felony.

Predicting the actual increase in the number of child abuse neglect reports being made would be difficult, however CD assumes that the numbers would increase from 5% to 10%. This increase in number of calls can be carried out throughout the CD's workforce, therefore staff necessary to respond to a 5% increase in the number of calls would require 85.6 additional CD services workers, plus the corresponding supervisory and clerical support. Additionally, this increase would be carried over in placement and treatment funds for family-centered services and alternative care cases.

Pursuant to 210.155 RSMo., the CD shall, on a continuing basis, undertake and maintain

ASSUMPTION (continued)

programs to inform all persons required to report abuse or neglect. Currently the CD conducts mandated reporter training at the request of mandated reporter groups and publishes material designed to inform mandated reporters of the reporting and investigation process as well as assist professionals in identifying signs and symptoms of child abuse or neglect. The CD would have to greatly increase current efforts to provide training and public information to the increased number of individuals that fall under the definition of a mandated reporter.

The proposed changes would require enhancements to the Division's current computer system at a cost of approximately \$65,000.

Currently the CD conducts mandated reporter training at the request of mandated reporter groups and publishes material designed to inform mandated reporters of the reporting and investigation process as well as assist professionals in identifying signs and symptoms of child abuse or neglect. In 2005 the CD spent \$51,498 to print 20,000 copies of the "Guidelines for Child Abuse and Neglect Reports" to give out to mandated reporters. In 2000, the CD spent \$98,000 on 200 billboards for one month during the School Violence Hotline public information campaign. With 5.7 million Missouri residents efforts to inform and educate the public would have to increase dramatically. The CD would need an overall increase of staff of approximately 5%, to meet the additional calls and corresponding cases due to this legislation. In addition to staff, the CD will need additional funding for children placed in custody based on a 5% increase in program funding in Residential Treatment, Foster Care, and Residential Treatment and Foster Care portion of the CS Pool.

Residential Treatment FY06 Core $\$73,872,797 \times 5\% = \$3,693,640$

Foster Care FY06 Core $\$34,435,686 \times 5\% = \$1,721,784$

5% Increase in Residential Treatment portion of the CS Pool \$238,766

5% Increase in Foster Care portion of the CS Pool \$311,736.

The total increase in core funding is \$5,965,926.

CD estimates cost will be \$6,922,909 in FY07, \$7,049,057 in FY08 and \$7,242,910 in FY09 for General Revenue. CD estimates costs to be \$4,713,230 in FY07, \$4,823,854 in FY08, and \$4,961,920 in FY09 for Federal funds.

Oversight agrees that there could be an increase in mandated reporter Child Abuse and Neglect hotline calls. However the existing mandated reporter statute required "...other person with responsibility for the care of children" and this proposal changes that to "any other person". In addition, existing RSMo 210.115.4 states in addition to mandated reporters, "any other person may report ... if such person has reasonable cause to suspect that a child has been or may be

ASSUMPTION (continued)

subjected to abuse or neglect...”. **Oversight** notes a large number of adults are already mandated reporters that have direct responsibility with children such as teachers and daycare workers. **Oversight** acknowledges that this proposal also adds an enhanced penalty for failing to report child abuse from a Class A misdemeanor to a Class D felony when the child at issue dies as a result of the abuse or neglect. However, **Oversight** assumes that while it is unknown whether or not calls will increase by 5%, costs to the DLS and CD would not necessarily increase by 5%. **Oversight** assumes a small increase in calls could be absorbed by the DLS and CD. **Oversight** assumes should there be a large increase in calls, the DLS and CD could request additional funds through the appropriation process.

<u>FISCAL IMPACT - State Government</u>	FY 2007 (10 Mo.)	FY 2008	FY 2009
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2007 (10 Mo.)	FY 2008	FY 2009
	<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 changes the law on mandatory reporters of suspected child abuse. Current law mandates that certain professional workers, such as physicians, nurses, principals or school officials, or other persons with responsibility for the care of children shall immediately report or cause a report to be made to the children's division of the department of social services regarding suspected child abuse.

This proposal would provide that in addition to those persons, any other person who has reasonable cause to suspect child abuse shall be required to immediately report the suspected abuse to the division.

This proposal also adds an enhanced penalty for failing to report child abuse from a Class A

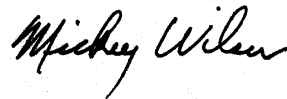
DESCRIPTION (continued)

misdemeanor to a Class D felony when the child at issue dies as a result of the abuse or neglect.

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

SOURCES OF INFORMATION

Office of State Courts Administrator
Department of Corrections
Department of Social Services-
Division of Legal Services
Children's Division



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Director
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