

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0225-06
Bill No.: HCS for SCS for SB 96
Subject: Children and Minors; Education, Elementary and Secondary; Juvenile Courts; Social Services Department; Elementary and Secondary Education Department
Type: Original
Date: April 24, 2009

Bill Summary: This proposal creates provisions relating to the needs and rights of children, including foster care and adoption.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on FTE	0	0	0

- Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).
- Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Administration - Administrative Hearing Commission, Department of Public Safety - Office of the Director and Missouri State Highway Patrol, Department of Insurance, Financial Institutions and Professional Registration, Department of Health and Senior Services,** and the **Department of Corrections** state this proposal will have no fiscal impact on their respective agencies.

Officials from the **Office of State Courts Administrator** state this proposal will have no fiscal impact on the Courts.

Officials from the **Office of Attorney General** assume that any potential costs arising from this proposal can be absorbed with existing resources.

Officials from the **Office of Prosecution Services** state this proposal will have no measurable fiscal impact on their agency or county prosecutors

Officials from the **Department of Mental Health** state that none of the provisions of this proposal appear to place any additional requirements upon their agency; therefore, no fiscal impact is anticipated.

According to officials from the **Office of Secretary of State (SOS)**, many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$2,500.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

§167.018; 167.019; 167.021 - Foster Pupil Rights to Education

Officials from the **Department of Social Services - Children's Division** state their policy addresses the issue of considering the child's school attendance area when making placement decisions in Section 4 Chapter 7.2 of the Child Welfare Manual.

ASSUMPTION (continued)

Officials from the **Department of Elementary and Secondary Education (DESE)** assume this part of the proposed legislation appears to give foster parents the ultimate choice in educational placement. For children with an Individual Education Plan (IEP) that is left to the IEP team and the foster parent would be a part of that team but cannot overrule the team. There does not appear to be an additional cost.

§210.005

DESE officials state that, by definition, a parent enrolling a child in a public school is consenting to the district educating that child. Application of district policies and procedures stems from that consent. The state's compulsory attendance law allows the parent the option of public, private, parochial, parish and home schools in proving for school attendance. As written, there are no direct costs to school districts or DESE.

Officials from the **Department of Social Services - Division of Legal Services and Children's Division** assume the language of this section of the proposal which states parents have a natural and fundamental right to direct the care, education and upbringing of their children is already the law in Missouri, so this will not have an impact. However, the remaining language may be construed to impact the interpretation of law, policy, legal case and procedure involving the relationship of minors and governmental action. Given the sweeping and broad language of the proposed statute, it is impossible to determine the fiscal impact of the language on the Department of Social Services until it is specifically interpreted by the Courts.

It is unclear whether the Courts will apply the language requiring proof of a compelling government interest and least restrictive means to each individual case. If the language is to be applied on a case by case basis, then government entities such as the Children's Division and Juvenile Officers may be required in each case to prove the government's compelling interest and that the actions taken are the least restrictive means of furthering the interest. If that is the case, then the cost of juvenile court proceedings, Termination of Parental Rights cases, status cases, and delinquency cases will increase significantly. The exact amount is impossible to ascertain.

Oversight assumes that potential litigation and any required Court interpretation is speculative and for fiscal note purposes only, will assign no fiscal impact.

§210.131

Officials from the **Department of Social Services** state that since this section allows for their

ASSUMPTION (continued)

agency to use up existing preprinted stock, this provision would not create a fiscal impact.

§210.1050

Based on the duties of the ombudsman and the assumption that the need for an ombudsman to resolve school day length issues would be very few on an annual basis, DESE anticipates little additional cost for the ombudsman requirement. If the call for an ombudsman to resolve day length issues becomes significantly greater than expected, one additional FTE might be required to meet the requirements of the proposal.

Section 1 - Missouri State Foster Care and Adoption Board

Officials from the **Department of Social Services - Children's Division** assume that although this section appears to expand the scope of the existing board (Missouri Foster Care Adoption Advisory Board) and may require an increase in time and operating cost, the Children's Division would absorb the costs as they are not expected to be significant.

Officials from the Office of State Public Defender did not respond to a request for fiscal note.

<u>FISCAL IMPACT - State Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
	<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.

FISCAL DESCRIPTION

The proposed legislation appears to have no fiscal impact.

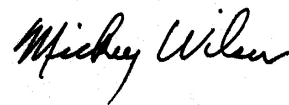
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Elementary and Secondary Education
Department of Social Services
 Children's Division
 Legal Services Division
Department of Health and Senior Services
Department of Mental Health
Office of State Courts Administrator
Office of Administration
 Administrative Hearing Commission
Office of Secretary of State
 Administrative Rules Division
Office of Attorney General
Department of Corrections
Department of Public Safety
 Office of the Director
 Missouri State Highway Patrol
Office of Prosecution Service
Department of Insurance, Financial Institutions and Professional Registration

NOT RESPONDING

Office of State Public Defender



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