

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0778-08
Bill No.: Truly Agreed To and Finally Passed CCS #2 for SS for HCS for HB 154
Subject: Children and Minors; Family Law; Family Services Division
Type: Original
Date: June 1, 2009

Bill Summary: This legislation requires the state to make a good faith effort to locate the grandparents of a child for emergency placement and requires the grandparents to be given first preference as foster parents.

Establishes educational rights for foster care students and requires a full school day of education for certain children.

Authorizes a court to appoint a standby guardian for a minor or an incapacitated adult.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
General Revenue	(Not expected to exceed \$100,000)	(Not expected to exceed \$100,000)	(Not expected to exceed \$100,000)
Total Estimated Net Effect on General Revenue Fund	(Not expected to exceed \$100,000)	(Not expected to exceed \$100,000)	(Not expected to exceed \$100,000)

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 9 pages.

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

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

Section 210.305 & 210.565:

Officials from the **Office of the State Public Defender, Office of Prosecution Services** and the **Office of State Courts Administrator** each assume the proposal would have no fiscal impact on their respective agencies.

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

Officials from the **Office of the Secretary of State (SOS)** state 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. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with the core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

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.

ASSUMPTION (continued)

Officials from the **Department of Social Services - Children's Division (DSS-CD)** state while the CD allows preference given to a child's grandparent/s when considering possible out of home placements in current policy, this legislation makes it a statutory requirement and imposes a three hour time frame from the time emergency placement is deemed necessary to locate a grandparent. It is not anticipated this legislation will have a fiscal impact on the Children's Division; however, current policy will need to be revised to reflect the three hour requirement.

Sections 167.018, 167.019 & 210.1050:

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

Officials from the **Office of Administration - Administrative Hearing Commission** state this proposal will have no fiscal impact on the Commission.

Officials from the **Department of Health and Senior Services** state this proposal will have no fiscal impact on their agency.

Officials from the **Department of Mental Health (DMH)** state the proposal would create no additional obligations or requirements for the DMH; therefore, no fiscal impact is anticipated.

Officials from the **Department of Elementary and Secondary Education** state this proposal will have no fiscal impact on their agency or on local school districts.

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. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with the core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

ASSUMPTION (continued)

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.

The proposed legislation stipulates that the foster child has the right to remain enrolled in and attend their school of origin pending resolution of school placement disputes. According to officials from the **Department of Social Services - Children's Division**, the Children's Division policy currently addresses this issue in Section 4 Chapter 7.2 of the Child Welfare Manual.

DOS-CD notes that the language "The department of elementary and secondary education shall promulgate rules and regulations for assigning costs associated with assigning transportation costs associated with pupil placement under this subsection," was included in SB 1000 (FN 3989-05) from last session, but is not included in this proposal. It is unknown who will pay for these costs and how much of this type of transportation costs there are. However, should the CD have to incur the costs of transporting foster children to their school of origin there could be a fiscal impact that is unknown at this time.

Oversight assumes that additional transportation costs, if any, would be minimal and would not be expected to exceed \$100,000.

Officials from the **Blue Springs School District** assume this proposal would result in the need for them to hire at least one additional staff member in order to comply with this proposal. Their cost is estimated to be at least \$75,000 annually.

In response to SB 1000 (FN 3989-05) from last year, officials from the **Francis Howell School District** assumed no fiscal impact to their district.

In response to the introduced version of this proposal, these school districts made the following assumptions:

Officials from the **St Charles School District** stated that schools already provide services to students who are in foster care. Sending transcripts, etc., is already required and does not require designation of one person to be responsible.

ASSUMPTION (continued)

Officials from the **Poplar Bluff School District** assumed this proposal would impact personnel, but did not assign a cost.

Officials from the **Sikeston School District** assumed they would have to establish an additional protected class which would result in a cost for implementation and training.

Oversight assumes the only costs to school districts will be administrative and that the school districts can absorb any administrative duties related to this proposal.

Sections 475.010, 475.045, 475.046 & 475.105:

Officials from the **Department of Mental Health** and the **Department of Health and Senior Services** each assume the proposal would have no fiscal impact on their respective agencies.

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

Officials from the **Department of Social Services** assume the proposed legislation would not have an impact on the Children's Division. This proposal would revise the provisions of Chapter 475 which addresses custodial issues such as incapacitation, death, or disability by allowing a standby guardian to be appointed. Such provisions for all intents and purposes, are already in effect for custodial cases that involve the division under Chapter 211, as children are represented by guardian ad litem and the Division staff.

<u>FISCAL IMPACT - State Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
GENERAL REVENUE			
<u>Cost</u> - Department of Elementary and Secondary Education or Department of Social Services - Transportation costs	(Not expected to exceed \$100,000)	(Not expected to exceed \$100,000)	(Not expected to exceed \$100,000)
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>(Not expected to exceed \$100,000)</u>	<u>(Not expected to exceed \$100,000)</u>	<u>(Not expected to exceed \$100,000)</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

Sections 167.018, 167.019 & 210.1050:

This proposed legislation establishes the "Foster Care Education Bill of Rights." Each school district must designate a staff person to be an educational liaison for foster care children. This liaison would assist with proper educational placements, transferring between schools, ensuring transfer of grades and credits, requesting school records, and submitting school records that have been requested.

A child placing agency will promote educational stability for foster care children when making placements. A foster care child may continue to attend his or her school of origin pending resolution of a dispute. Each school district must accept for credit any full or partial course work satisfactorily completed by a pupil while attending certain schools. A pupil who completes the graduation requirements of his or her school district of residence while under the jurisdiction of the juvenile court will receive a diploma.

If a foster care pupil is absent from school because of a change in placement by the court or child placing agency, or because of a verified court appearance or related court-ordered activity, the pupil's grades and credits will be calculated as of the date the pupil left school. Such absence will not result in a lowering of the pupil's grades.

Subject to federal law, school districts are authorized to permit access of pupil school records to a child placing agency for the purpose of fulfilling educational case management responsibilities required by the juvenile officer or by law and to assist with the school transfer or placement of a pupil.

FISCAL DESCRIPTION (continued)

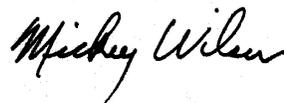
Each child who is in foster care or who is placed in a licensed residential care facility is entitled to a full school day of education unless the school district determines that fewer hours are warranted. A full school day is defined as six hours under the guidance and direction of teachers in the education process for children in foster care or for children placed for treatment in a licensed residential care facility by the Department of Social Services.

For children placed for treatment in a licensed residential care facility by the Department of Social Services, the Commissioner of Education, or his or her designee, will be an ombudsman to assist the family support team and school district. The ombudsman will have the final decision over discrepancies regarding school day length. A full school day of education will be provided pending the ombudsman's final decision.

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 the Attorney General
Office of the State Courts Administrator
Department of Social Services
Office of the Secretary of State
Office of the State Public Defender
Office of Prosecution Services
Department of Elementary and Secondary Education
Department of Health and Senior Services
Department of Mental Health
Office of Administration - Administrative Hearing Commission
School Districts - Blue Springs; Sikeston; St Charles; Poplar Bluff & Francis Howell



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Page 9 of 9

June 1, 2009

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Director

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