

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0866-08
Bill No.: Perfected SS for SCS for SB 141
Subject: Children and Minors; Family Law; Courts
Type: Original
Date: April 1, 2009

Bill Summary: The proposal modifies the law on the establishment of paternity.

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 5 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

In response to a previous version of the proposal (SCS for SB 141, LR # 0866-06), officials from the **Department of Health and Senior Services** assumed the proposal would have no fiscal impact on their agency.

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

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

In response to a previous version of the proposal (SCS for SB 141, LR # 0866-06), officials from the **Department of Social Services – Family Support Division (FSD)** stated the proposed legislation will allow the court to set aside a previous judgment of paternity and support and extinguish any existing child support arrearage when a properly completed genetic test shows that the party ordered to pay support is not the child's father.

Subsections 210.826.5 and 210.828.4 require that a notification form be attached to the petition when served in an action to determine the existence of the father and child relationship under sections 210.826 and 210.828. Attorneys representing the FSD pursuant to cooperative agreements would need to ensure compliance with this amendment by including the notice with the petition to determine paternity. FSD expects that this notice can be provided without any significant cost to the FSD.

Subsection 210.854.1 provides that the petition to set aside a judgment of paternity and support must be filed within 18 years of entry of the original judgment. FSD shall be made a party to the action in cases where the child(ren) are receiving the FSD's child support services. This provision will require FSD be represented in such court actions. FSD would refer such cases to attorneys representing the division pursuant to cooperative agreements. FSD believes these actions can be handled by existing staff working under cooperative agreement with the FSD.

In actions where the court grants relief by setting aside a previous judgment of paternity and support, the FSD would be required to cease enforcement services on the case and begin action to again establish paternity for the child(ren) in question, assuming the custodial parent/custodian continues to receive the FSD's services. The division believes that these activities can be completed with existing staff.

ASSUMPTION (continued)

Subdivision 210.854.4(2) provides that any existing child support arrearages shall be extinguished in cases where the court grants relief from the paternity judgment and support order. An undeterminable amount of past-due support assigned to the state for periods when children received public assistance would no longer be due the state in such actions.

Subsection 210.854.9 requires the FSD to track and annually report to the general assembly the number of cases known to the FSD in which a court, within the calendar year, set aside a previous judgment of paternity and support under 210.854.4. This tracking and reporting can be done with existing staff.

In summary, FSD officials assume the proposal would result in no fiscal impact to their department.

<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.

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SOURCES OF INFORMATION

Office of the Attorney General
Office of State Courts Administrator
Department of Health and Senior Services
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
April 1, 2009