

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1023-03
Bill No.: SCS for SB 222
Subject: Children and Minors; Courts; Family Law; Marriage and Divorce; Uniform Laws
Type: Original
Date: May 11, 2009

Bill Summary: The proposal modifies the use and disclosure of certain personal identifying information in certain documents.

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 **Department of Health and Senior Services** and the **Department of Public Safety – Missouri State Highway Patrol** assume the proposal would have no fiscal impact on their 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 – Family Support Division (DOS – FSD)** state 42 USC, section 666(a)(13) requires that the Social Security number of any individual who is subject to a paternity determination be placed in the records relating to the matter. 42 USC, section 666(a)(13) states:

- (13) Recording of Social Security numbers in certain family matters. Procedures requiring that the Social Security number of –
 - (A) any applicant for a professional license, driver’s license, occupational license, recreational license, or marriage license be recorded on the application;
 - (B) any individual who is subject to a divorce decree, support order, or paternity determination or acknowledgment be placed in the records relating to the matter; and
 - (C) any individual who has died be placed in the records relating to the death and be recorded on the death certificate.

For purposes of subparagraph (A), if a state allows the use of a number other than the Social Security number to be used on the face of the document while the Social Security number is kept on file at the agency, the state shall so advise any applicants.

ASSUMPTION (continued)

DOS assumes the bill removes the requirements for the Social Security numbers and other identifying information of the parties to be recorded in the related petitions and orders. The bill at section 509.520 instead provides that Social Security numbers and other identifying information of the parties will be provided to the court in a confidential case filing sheet, which shall not be subject to public inspection. However, the bill at subsection 509.520.3 fails to require the filing of a confidential case filing sheet by the responsive party in a paternity action. Therefore, this would leave a category of cases outside the requirements of 42 USC 666(a)(13). Because the proposed legislation does not fully address the requirements of the federal law, its enactment would likely result in the federal government finding that Missouri is out of compliance with Title IV-D State Plan requirements. Failure to comply with Title IV-D State Plan requirements will result in a total loss of federal funding including incentives. This amount for federal fiscal year 2008 was approximately \$63 million. Any loss of federal funding would have to be replaced by General Revenue. A federally approved IV-D State Plan is also a requirement to receive the TANF (Temporary Assistance for Needy Families) block grant. So, a disapproved IV-D State Plan could also jeopardize federal TANF funding.

Section 452.430 of the bill provides that any pleadings, other than the interlocutory or final judgment, in a dissolution of marriage or legal separation filed before August 28, 2009, shall be subject to inspection only by the parties or an attorney of record or upon order of the court for good cause shown or by the Family Services Division (FSD or division) when services are being provided by the division under section 454.400, RSMo. The division assumes this section will not prevent division staff from requesting and receiving from the courts, copies of pleadings needed in cases where services are being provided under 454.400, RSMo.

Effective August 28, 2009, this bill, at subsection 509.520.1, would require that all pleadings, attachments, or exhibits, filed with the court in any case, as well as any judgments issued by the court, not include the full Social Security number of any party or child who is the subject to an order of custody or support. The bill also prohibits the inclusion of the full credit card number or other financial account number of any party in all such documents. In lieu of the full number, the last four digits of the number shall be included in all such documents. Additionally, subsection 452.343 and 454.500 of this bill specifically require the inclusion of only the last four digits of the Social Security number for orders issued pursuant to sections 454.470, 454.475, or 454.500, RSMo, while requiring that the full Social Security numbers of the parties to be provided and retained in the manner required by section 509.520. These changes will require the division to revise forms filed with the court to include only the last four digits of the Social Security number. Programming costs to make changes in the division's automated system will need to be provided by OA/ITSD. When it is necessary to file a document with the court where the full Social Security number is or was previously required on the document, division staff and staff working

ASSUMPTION (continued)

under cooperative agreements with the division, would need to manually redact the Social Security number before filing such documents with the court. The division believes it can implement these changes with existing staff.

Subsection 509.520.2 of the bill requires that contemporaneously with the filing of every petition pleading for dissolution of marriage, legal separation, motion for modification, action to establish paternity, and petition or motion for support or custody of a minor child, the filing party shall file a confidential case filing sheet with the court which provides address, employment, and Social Security numbers for the movant and respondent and the name, date of birth, and Social Security number for each child subject to the action. Division staff or staff working under cooperative agreement with the division would need to complete the necessary filing sheet in applicable actions where the division is the filing party. The division believes it can implement this change with existing staff.

Subsection 509.520.3 of the bill requires that contemporaneously with the filing of every responsive pleading petition for dissolution of marriage, legal separation, motion for modification, and petition or motion for support or custody of minor child, the responding party shall file a confidential case filing sheet with the court which provides address, employment, and Social Security numbers for the movant and respondent. Division staff or staff working under cooperative agreement with the division would need to complete the necessary filing sheet in applicable actions where the division is the responding party. The division believes it can implement this change with existing staff.

Subsection 509.520.7 of the bill provides that the division may receive information from the confidential case filing sheet, without court order, when the division is acting under the authority of 454, RSMo.

The division assumes the changes made in this bill do not eliminate requirements set forth in section 454.412 for circuit clerks to provide data elements required for the state case registry and, therefore, does not affect the division's ability to comply with 42 USC, section 654A.

In summary, DOS – DFS assumes the proposal would result in a loss of federal funds in the amount of \$63,000,000. This loss would be replaced by General Revenue funds in the amount of \$63,000,000.

ASSUMPTION (continued)

Oversight assumes the intent of the proposal is not to place the Title IV-D State Plan out of compliance with federal requirements. Therefore, Oversight is reflecting no fiscal impact to the DOS for this fiscal note. If DOS is determined to be out of compliance with Title IV-D State Plan requirements, Oversight assumes changes would be made in future legislation to comply with federal requirements.

<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

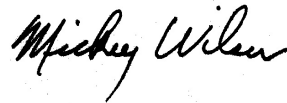
The proposed legislation appears to have no fiscal impact.

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 State Courts Administrator
Department of Health and Senior Services
Department of Social Services
Department of Public Safety
– Missouri State Highway Patrol

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

Mickey Wilson, CPA
Director
May 11, 2009