

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 5423-04  
Bill No.: HCS for SCS for SB 711  
Subject: Family Law; Children and Minors; Courts, Juvenile  
Type: Original  
Date: May 1, 2012

---

Bill Summary: This proposal modifies provisions relating to the prohibition of racial considerations in adoption proceedings.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
General Revenue	\$11,182	\$13,756	\$14,177
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$11,182</b>	<b>\$13,756</b>	<b>\$14,177</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Children's Trust	\$15,750	\$19,375	\$19,955
Endowed Cemetery	\$3,150	\$3,875	\$3,991
MO Public Health Services	\$15,750	\$19,375	\$19,955
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$34,650</b>	<b>\$42,625</b>	<b>\$43,901</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 8 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2013</b>	<b>FY 2014</b>	<b>FY 2015</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2013</b>	<b>FY 2014</b>	<b>FY 2015</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

- 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).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2013</b>	<b>FY 2014</b>	<b>FY 2015</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Health and Senior Services (DHSS)** provide the following assumptions:

#### *Section 193.132 & 453.510*

The legislation would require the Bureau of Vital Records, State Registrar to develop a contact preference form and medical history form to provide to the birth parent(s), upon request.

Currently, the Bureau of Vital Records responds to approximately 10 to 15 inquiries and requests daily regarding access to sealed adoption records. Inquiries and requests for certified copies of original birth certificates are expected to double from the current amount, with an increase of approximately 3,780 requests annually (15 requests X average of 21 working days per month X 12 months/year = 3,780 requests). There is currently one Senior Office Support Assistant-Keyboarding (SOSA) working on adoptions. An additional SOSA would be needed to handle the additional requests (1 FTE at \$24,576 annually).

This position would assist internal and external customers through written correspondence, in person, and over the telephone primarily regarding adoptions, vital events and related matters. The staff would perform moderate to difficult clerical and technical functions involving a significant amount of public contact. Duties include processing documents related to births, including adoption decrees (domestic and foreign); legitimating affidavits; amending or creating new certificates as instructed by affidavit or court order; processing delayed applications; performing manual and computer searches; updating the system mainframe; and issuing certified copies as requested. Standard expense and equipment costs are included for one FTE. In addition, approximately \$1,701 would be needed for postage (3,780 requests X \$0.45/envelope).

The DHSS assumes this proposal would result in net costs to the General Revenue Fund of \$31,223 for FY 13; \$31,603 for FY 14; and \$31,745 for FY 15. Revenue from the additional birth certificates generated would be split between General Revenue, the Children's Trust Fund, the Endowed Cemetery Fund, and the MO Public Health Services Fund.

**Oversight** assumes, because the potential significant increase in the workload is speculative, that the DHSS could absorb one FTE. Any significant increase in the workload of the DHSS would be reflected in future budget requests.

ASSUMPTION (continued)

In response to a similar proposal from this year (HB 1137) officials from the **Department of Social Services (DSS) - Children's Division (CD)** stated this proposed legislation allows the CD to refer the adopted person or the adopted person's lineal descendants if the adopted person is deceased to the child placing agency or juvenile court if the children's division does not have sufficient information or the resources to conduct the searches and allows the CD, the child placing agency or the juvenile court to charge actual costs of the search to the adopted person or the adopted person's lineal descendants, if the adopted person is deceased, the children's division

The Children's Division would anticipate fielding the anticipated requests, determining whether or not the CD has sufficient information and resources to conduct the search, and appropriately referring the adopted adult or the lineal descendant when necessary. The Division could absorb these duties with current resources. The Children's Division would anticipate a minimal fiscal impact as a result of this proposed legislation.

Also in response to a similar proposal from this year (HB 1258), officials from the DSS - Children's Division (CD) stated in section 193.215.7, this proposal prohibits a mother from executing a voluntary acknowledgment of paternity, if:

- her parental rights have been terminated; or
- her consent to adoption or a waiver of consent to adoption has been accepted and approved by a court.

The passage of this proposal would not create a fiscal impact on the CD.

In section 453.040, this proposal adds to the list of situations in which the consent to the adoption of a child is not required. This includes when a man has reason to believe that he is the biological father of a newborn child, but has not provided consistent prenatal financial support to the mother or consistent payment for prenatal, natal and postnatal medical care for the mother and the baby, unless actively thwarted from doing so by the mother.

These provisions would make it easier to finalize adoptions of newborns based on the lack of financial support on the part of a man believed to be the biological father. Although there is a possibility that these provisions may in some cases speed up the process of finalizing adoptions, the CD does not, however, anticipate that this proposal will create a fiscal or programmatic impact on the Division.

This proposal also creates a new section 453.045, which applies to the father of a child, who under 543.030 the court has given approval for adoption, or under 543.040, the man's consent for adoption is not required. The CD's current policy requires the Division to conduct a diligent

ASSUMPTION (continued)

search for the biological parents and other relatives. The CD does not anticipate a fiscal or programmatic impact as a result of this proposal.

Also in response to a similar proposal from this year (HB 2038) for Sections 211.069, 211.071, and 211.073, officials from the Department of Social Services - Division of Youth Services (DYS) stated broadening the age of eligibility for dual jurisdiction consideration would allow opportunities to some certified youth who, but for the length of time their cases take to achieve resolution (often longer than standard adult prosecutions), would have been eligible.

While it is difficult to anticipate judicial behavior related to these matters, it is probable that enactment of this legislation would cast a broader net and increase the utilization of dual jurisdiction programming by the courts. Critical elements of the original legislation remain in place that would allow the Division of Youth Services to evaluate candidates for appropriateness and effectively manage resources available for dual jurisdiction programming.

DYS assumed no fiscal impact from the proposal.

In response to a previous version of this proposal, officials from the **Department of Social Services (DOS)** state this proposal closely tracks current DOS policy and procedures, and incorporates the requirements of the Indian Child Welfare Act ("ICWA"), for children to whom it applies. No fiscal impact is anticipated for DOS.

Officials from the **Office of the State Courts Administrator, Office of Prosecution Services, Office of the State Public Defender, and Joint Committee on Administrative Rules** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Office of the Secretary of State (SOS)** assume 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 Secretary of State's Office 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, we also recognize 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 our office can sustain with our core budget. Therefore, we reserve 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.

<u>FISCAL IMPACT - State Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
<b>GENERAL REVENUE</b>			
<u>Income - Department of Health and Senior Services</u>			
Birth certificate fees	\$12,600	\$15,500	\$15,964
<u>Costs - Department of Health and Senior Services</u>			
Postage	<u>(\$1,418)</u>	<u>\$1,744</u>	<u>(\$1,787)</u>
<b>ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND</b>	<b><u>\$11,182</u></b>	<b><u>\$13,756</u></b>	<b><u>\$14,177</u></b>
 <b>CHILDREN'S TRUST FUND</b>			
<u>Income - Department of Health and Senior Services</u>			
Birth Certificate Fees	<u>\$15,750</u>	<u>\$19,375</u>	<u>\$19,375</u>
<b>ESTIMATED NET EFFECT ON CHILDREN'S TRUST FUND</b>	<b><u>\$15,750</u></b>	<b><u>\$19,375</u></b>	<b><u>\$19,375</u></b>
 <b>ENDOWED CEMETERY FUND</b>			
<u>Income - Department of Health and Senior Services</u>			
Birth Certificate Fees	<u>\$3,150</u>	<u>\$3,875</u>	<u>\$3,991</u>
<b>ESTIMATED NET EFFECT ON ENDOWED CEMETERY FUND</b>	<b><u>\$3,150</u></b>	<b><u>\$3,875</u></b>	<b><u>\$3,991</u></b>

<u>FISCAL IMPACT - State Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
<b>MO PUBLIC HEALTH SERVICES FUND</b>			
<u>Income - Department of Health and Senior Services</u>			
Birth Certificate Fees	<u>\$15,750</u>	<u>\$19,375</u>	<u>\$19,955</u>
<b>ESTIMATED NET EFFECT ON MO PUBLIC HEALTH SERVICES FUND</b>	<b><u>\$15,750</u></b>	<b><u>\$19,375</u></b>	<b><u>\$19,955</u></b>

<u>FISCAL IMPACT - Local Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
	<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

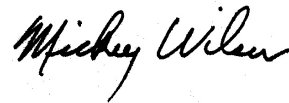
This proposal changes the laws regarding adoption records. In its main provisions, the proposal: (1) Requires the State Registrar within the Department of Health and Senior Services to develop and, upon request, provide each birth parent of an adoptee with a contact preference form and a medical history form and (2) Requires the State Registrar, upon receipt of the completed contact preference and medical history forms, to attach the forms to the original birth certificate of the adopted person

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

L.R. No. 5423-04  
Bill No. HCS for SCS for SB 711  
Page 8 of 8  
May 1, 2012

SOURCES OF INFORMATION

Office of the State Courts Administrator  
Department of Social Services  
Office of Prosecution Services  
Office of the State Public Defender  
Joint Committee on Administrative Rules  
Department of Health and Senior Services  
Office of the Secretary of State



Mickey Wilson, CPA  
Director  
May 1, 2012