

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5601-04
Bill No.: HCS for SCS for SB 758
Subject: Children and Minors; Social Services Dept.; Family Law
Type: Original
Date: May 7, 2012

Bill Summary: Changes the laws regarding hotline calls and investigations of child abuse and neglect to the Children's Division.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
General Revenue	(Unknown less than \$100,000)	(\$0 to less than \$4,100,000)	(\$0 to less than \$4,100,000)
Total Estimated Net Effect on General Revenue Fund	(Unknown less than \$100,000)	(\$0 to less than \$4,100,000)	(\$0 to less than \$4,100,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 9 pages.

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

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
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 2013	FY 2014	FY 2015
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of State Courts Administrator**, the **Department of Corrections**, the **Department of Health and Senior Services**, the **Department of Public Safety - Missouri State Highway Patrol**, and the **Missouri** assume the proposal will have no fiscal impact on their organizations.

Officials from the **Office of Administration - Division of Budget and Planning (BAP)** state the proposal should not result in additional costs or savings to the BAP.

This proposal extends the Children in Crisis Tax Credit program from 08/28/12 to 12/31/16 unless re-authorized by the General Assembly through passage of a bill or adoption of a concurrent resolution. \$587,137 was redeemed under this program for FY 11. This proposal will reduce general and total state revenues by similar amounts in FY 14 and beyond.

Officials from the **Department of Revenue** assume the proposal will have no fiscal impact on their organization. However, the extension of the sunset on the Children in Crisis tax credit may reduce total state revenue.

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

Officials from the **Joint Committee on Administrative Rules (JCAR)** state the legislation is not anticipated to cause a fiscal impact to JCAR beyond its current appropriation.

Officials from the **Office of Prosecution Services (OPS)** assume the proposal will have no measurable fiscal impact on the OPS.

Officials from the **Office of 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 Secretary of State's office 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 this is a small amount and does not expect that additional funding would be required to meet these costs.** However, it is also recognized 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 within its 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)

Officials from the **Department of Elementary and Secondary Education (DESE)** state this proposal does not appear to impact the school foundation formula; however, the additional assistance and monitoring assigned to DESE will require 0.5 FTE supervisor.

DESE defers to the local school districts regarding costs to implement this proposal.

DESE assumes portions of the proposal appear to be a mandate in accordance with IDEA, 20 U.S.C.A. Section 1400 et seq.; Section 504 of the Rehabilitation Act, 29 U.S.C.A. Section 794; and Title II of the Americans with Disabilities Act, 42 U.S.C.A. Sections 12131-12165.

Oversight assumes procedures would already be in place in school districts regarding enrollment and placement of foster care children. If it is determined that additional oversight is needed, DESE may request additional personnel through the budgetary process.

Officials from the **Department of Social Services - Children's Division (CD)** provide the following:

Section 21.771 - Joint Committee on Child Abuse and Neglect

It is assumed that the CD would be available and assist the committee in its study and analysis of the state child abuse and neglect reporting and investigation system. The CD does not anticipate an immediate fiscal or programmatic impact on the Division; however, long term, it is unknown what recommendations this committee will generate and what the fiscal or programmatic impact these recommendations will have on the Division. It is also unknown what outcomes these recommendation might have on the child protection system or in the prevention and protection of children.

Section 160.1990 - Education Success of Foster Children

This proposal will not have a fiscal or programmatic impact to the CD. However, the proposal will benefit foster children, foster parents, and Children's Division workers in the effort to ensure educational success for foster children. The provisions of this proposal compliment current law, known as the "foster care education bill of rights", found in sections 167.018 and 167.019 RSMo.

Section 210.135 and 210.145 - Child Abuse Investigations

Section 210.135.3 - The CD has a process in place in which to offer assistance to staff in cases where it might be likely that staff are traumatized. Staff may now be removed from duties, when appropriate, at the direction of the Division Director. No fiscal impact to the Division.

ASSUMPTION (continued)

Section 210.145.4 - Currently both initial and repeat calls undergo the same screening process at the child abuse neglect hotline, which is based on statutory definition and criteria. This legislation would not change screen criteria and would not create a fiscal or programmatic impact for the Division.

In Section 210.145.6 - The Child Abuse/Neglect Unit screening process contains scripted language to instruct callers to contact 911 in instances where the child may be in immediate danger.

Currently Division workers use their own judgment on when it is appropriate to leave documentation on attempted visits; however, it is common practice not to leave documentation. The Division would agree that number 1, 2 and 4 are reasonable criteria for not leaving documentation. Number 3 "the alleged perpetrator will be alerted regarding the attempted visit" would be more difficult to assess or control. There are situations where it makes more sense to leave documentation for families to contact the Division as soon as possible, such as in situations where we are trying to locate a victim who may need medical treatment. Currently in such a case the threat to a child who does not receive needed medical treatment would be weighed against the likelihood that the perpetrator may be alerted and the surrounding circumstances that put the child at risk. The CD does not, however, anticipate a fiscal or programmatic impact with respect to this provision.

Currently the Children's Division uses the CS-24, *Description of the Investigation Process*, to comply with 210.183 RSMo., which provides that "At the time of the initial investigation of a report of child abuse or neglect, the Division employee conducting the investigation shall provide the alleged perpetrator with a written description of the investigation process." The CS-24 provides the alleged perpetrator with a description of the investigation process, the alleged perpetrator appeal process and a statement of consumer rights which includes a Legal representation at all stages of the investigation and subsequent proceedings. This written material may require minor modification to accommodate the provisions of this proposal as well as modification to Division policy; however, the CD would not anticipate a fiscal impact.

Section 210.950 - Safe Place for Newborns

There is a possibility of an increased number of infants entering CD's custody under these provisions because it increases the age requirement from up to 5 days to 45 days.

This proposal also allows either parent a period of time to reestablish parental rights and provides protection in that it prohibits officials and agency personnel from coercing the parent to reveal identifying information.

The Children's Division does not anticipate a fiscal impact as a result of this legislation.

ASSUMPTION (continued)

Section 211.036 - Returning Legal Custody to CD if in the Child's Best Interest

In section 211.036, current statute provides that if a child is under the age of 18 and released from the custody of the Children's Division and it appears that it would be in the best interest of the child, the Juvenile Office, the Children's Division or the Child may petition the court to return custody of the child to the CD. This proposal changes "under age 18" to "under the age of 21".

It is unknown how many children from age 18 up to age 21 would re-enter foster care based solely on what is in the best interest of the child and as a result of a petition filed by the Juvenile office, the Children's Division or the child. In Fiscal Year 2011, the cost for foster care per child was \$19,918. If five children came into care in a year, the cost would be \$99,590.

The Children's Division does not anticipate a large number of children re-entering foster care between the ages of 18 up to 21 as a result of this legislation; therefore, the fiscal impact is unknown but less than \$100,000.

Section 453.350 - Requirement for Foster Children to visit Missouri state university or state community or technical college

The CD, in conjunction with the family support team, presently develops, prepares and implements treatment plans for children in foster care based upon the individual needs and strengths of each child. Emphasis on post secondary education is included in this process when deemed appropriate and when consistent with the individual treatment plan for the child. This proposed legislation would require a visit to a Missouri state college, community college or technical school for every foster child over the age of fifteen unless waived by the family support team.

Because the proposal does not specify how the visits to the state college, community college or technical college must be facilitated, it is conceivable that visits could be achieved in a variety of ways including school sponsored field trips, trips arranged and coordinated by the foster parents and some facilitated by CD workers. Because this proposal also allows for the family support team to waive this provision, it is presumed that many, but not every, foster child over the age of fifteen would visit a state college, community college or technical college,

Should this proposed legislation become law, the CD and the family support team would need to ensure that the family support team considers the appropriateness of a visit to a Missouri State University, Missouri state community college or technical college for each and every foster child over the age of fifteen and when deemed appropriate ensure that the visit occurs.

ASSUMPTION (continued)

The fiscal impact to the CD would presumably be an unknown amount of less than \$100,000 with the primary cost being transportation of foster children to and from state higher education campuses.

Oversight assumes, based on DSS-CD's response to HB 1267, costs associated with section 453.350 would be absorbable within current funding levels.

Oversight assumes this tax credit was to sunset on August 28, 2012 (FY 2013). This proposal would extend the tax credit and, therefore, **Oversight** will show the loss to state revenue of the tax credits issued in FY 14. This tax credit shares a statutory cap of \$4 million with the Adoption Tax Credit. The Children in Crisis Tax Credit is calculated after the Adoption credits are applied. In the last five years an average of \$2,675,221 has been issued for the Children in Crisis credit. **Oversight** will range the fiscal impact of the program from \$0 to the annual statutory limit of \$4 million.

Oversight assumes this proposal would prohibit the issuance of any further tax credits under this program after December 31, 2016. **Oversight** assumes any income to the state from tax credits not issued and the taxes being collected would be outside the fiscal note period. Taxes would start being collected in FY 2017.

Officials from the **Missouri House of Representatives** did not respond to **Oversight's** request for a statement of fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2013	FY 2014	FY 2015
	(10 Mo.)		
GENERAL REVENUE FUND			
<u>Revenue Reduction - Children in Crisis</u>	<u>\$0</u>	<u>\$0 to</u>	<u>\$0 to</u>
Tax Credit extension of sunset		(<u>\$4,000,000</u>)	(<u>\$4,000,000</u>)
<u>Costs - DSS-CD</u>			
Foster care for children ages 18 to 21 (\$211.036)	<u>(Unknown less than \$100,000)</u>	<u>(Unknown less than \$100,000)</u>	<u>(Unknown less than \$100,000)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(Unknown less than \$100,000)</u>	<u>(\$0 to less than \$4,100,000)</u>	<u>(\$0 to less than \$4,100,000)</u>

<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

Currently, a taxpayer is allowed an income tax credit for up to 50% of a contribution made to a child advocacy center, a crisis care center, or an entity which receives funding from the Court Appointed Special Advocate Fund. This proposal extends the provisions regarding the tax credit from August 28, 2012, to December 31, 2016.

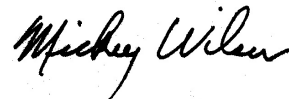
Currently Section 211.036 provides that children may remain in the custody of the Children's Division if they are under the age of eighteen. This proposal provides that if it is in the best interest of the child, the child may remain in the custody of the Children's Division until age twenty-one.

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 Attorney General
Office of State Courts Administrator
Office of Administration -
 Division of Budget and Planning
Department of Elementary and Secondary Education
Department of Corrections
Department of Health and Senior Services
Department of Revenue
Department of Social Services -
 Children's Division
Department of Public Safety -
 Missouri State Highway Patrol
Joint Committee on Administrative Rules
Office of Prosecution Services
Missouri Senate
Office of Secretary of State

NOT RESPONDING: Missouri House of Representatives



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