

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4666-02
Bill No.: Truly Agreed To and Finally Passed SCS for HB 1092
Subject: Children and Minors; Family Law; Department of Social Services; General Assembly; Courts; Public Safety Department
Type: Original
Date: June 2, 2014

Bill Summary: This proposal modifies provisions relating to foster children and child abuse and neglect investigations.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
General Revenue	(\$1,554,728)	(\$1,565,210)	(\$1,566,355)
Total Estimated Net Effect on General Revenue Fund	(\$1,554,728)	(\$1,565,210)	(\$1,566,355)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

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

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
General Revenue	2	2	2
Total Estimated Net Effect on FTE	2	2	2

- 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 2015	FY 2016	FY 2017
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§37.710 - Office of Child Advocate responsibilities

Officials from the **Office of Administration - Office of Child Advocate (OCA)** state section 37.710.2(5), RSMo would increase the responsibility of and the length of time the OCA is involved in a case and would likely increase the number of cases. OCA would need one new investigator at \$48,000 annually, plus benefits and related equipment and expense of \$2,729.

This position would review cases and coordinate with the Attorney General's Office to file pleadings necessary to intervene on behalf of the child. This individual would require experience working with the Children's Division, Juvenile Officers and the courts.

§§210.145, 210.152 and 210.183 - Investigations and reports

Officials from the **Office of Administration (OA) - Information Technology Services Division (ITSD)/Department of Social Services (DSS)** state this proposal would require multiple changes to the Family and Children's Electronic System (FACES) in the Child Abuse and Neglect (CA/N) Assignment and Management Reporting processes. All three sections of the legislation affect the same programs.

<u>Function</u>	<u>Work Effort (hours)</u>
Analysis and Design	16 hours
Update HLD & Tech Specification Documents	12 hours
CA/N Assignment modifications and unit testing	52 hours
Managed Reporting modifications and unit testing	120 hours
System/Regression Test	28 hours
User Acceptance Testing	<u>60 hours</u>
Total:	288 hours

State staff would be required for this effort at \$63.04/hour

Total Cost: 288 hours X \$63.04/hour = \$18,156

The match rate for FACES is 50% General Revenue (GR)/50% Federal. Therefore, this proposal would have a cost of \$9,078 GR/\$9,078 Federal.

Oversight assumes OA-ITSD/DSS can absorb the minimal cost of these programming changes within current funding levels.

ASSUMPTION (continued)

Officials from the **Department of Social Services (DSS) - Children's Division (CD)** state §210.145 of the proposal extends the amount of time the CD has to complete child abuse and neglect investigations and to document it into the system from 30 days to 45 days. It also extends the amount of time the CD has to provide the alleged perpetrator, when the report involves sexual abuse, with written notification of the CD's determination to up to 120 days. This proposal also provides specific good cause exceptions that can be documented in writing, when an investigation is not completed in 45 days.

This section will provide some additional time for the CD to complete investigations and collect the necessary evidence to support investigative conclusions. The CD does not anticipate a fiscal impact as a result of this section.

In 210.183.1, this proposal increases the amount of time the CD has to make every reasonable attempt to complete the investigation from 30 days to 45 days. This proposal changes the exception in this subsection, "except if a child involved in the impending investigation dies, the investigation shall remain open until the division's investigation surrounding the death is completed". This proposal changes this to except that if a child fatality or near fatality is involved in a report of abuse or neglect, then the investigation shall remain open until the circumstances surrounding the death or near fatality is investigated.

In this section, this proposal also extends the amount of time the CD has to provide written notification to the alleged perpetrator of its determination to 90 days or 120 days for a report of abuse or neglect involving sexual abuse.

This section will provide some additional time for the CD to notify the alleged perpetrator of the CD's determination. The CD does not anticipate a fiscal impact as a result of this section.

This version adds section 334.950.5, which requires the Department of Public Safety (DPS) to establish rules and make payments to SAFE CARE providers, out of appropriations made for that purpose, who provide forensic examinations for persons under 18 years of age who are alleged victims of physical abuse.

Currently, the DPS has rules in place and makes payments to SAFE CARE providers for forensic examinations for sexual abuse victims under the age of 18.

The CD does not anticipate a fiscal impact as a result of this section.

ASSUMPTION (continued)

§334.950 - SAFE CARE

Officials from the **Department of Public Safety (DPS) - Director's Office (DO)** state the legislation requires the DPS to establish rules and make payments to SAFE CARE providers, out of appropriations made for that purpose, who provide forensic examinations of persons under eighteen years of age who are alleged victims of physical abuse.

The SAFE program within the Crime Victims Compensation Unit of the DPS received 2,587 claims for suspected sexual assault/rape victims who were under the age of 18 and paid a total of \$1,433,919 to medical providers who performed the sexual assault forensic examination.

In order to provide reimbursement to medical providers for forensic examination of victims of physical abuse, DPS would require the following:

One FTE for a staff person to process claims (Processing Technician, \$25,572 annually) plus related fringe benefits, equipment and expense. Total FY15 costs to the General Revenue (GR) Fund are estimated to be \$39,597; FY16 costs to GR of \$39,651; and FY17 costs to GR of \$40,056.

Oversight notes the FY 2015 budget (Section 8.050) for the Department of Public Safety that has been approved by the legislature but that is still awaiting action by the Governor, appropriates \$1,452,000 to reimburse SAFE CARE providers for performing forensic medical exams on children suspected of having been physically abused. Since this is a new program/new decision item, Oversight will present this cost in the fiscal note for each FY 2015, FY 2016, and FY 2017.

Bill as a Whole

Officials from the **Office of Attorney General (AGO)** assume any potential costs arising from this proposal can be absorbed with existing resources. The AGO may seek additional appropriations if there is a significant increase in referrals.

Officials from the **Office of State Courts Administrator**, the **Joint Commission on Administrative Rules**, the **DPS - Missouri State Highway Patrol**, and the **Office of Prosecution Services** each assume the proposal would not fiscally impact their respective agencies.

ASSUMPTION (continued)

Officials from the **Office of Secretary of State (SOS)** did not respond to **Oversight's** request for a statement of fiscal impact. However, in response to an earlier version of this proposal, officials from the SOS stated 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.

<u>FISCAL IMPACT - State Government</u>	FY 2015 (10 Mo.)	FY 2016	FY 2017
GENERAL REVENUE FUND			
<u>Costs - OA-OCA (\$37.710)</u>			
Personal service	(\$40,000)	(\$48,480)	(\$48,965)
Fringe benefits	(\$20,402)	(\$24,727)	(\$24,975)
Equipment and expense	(\$2,729)	(\$352)	(\$359)
Total <u>Costs - OA</u>	<u>(\$63,131)</u>	<u>(\$73,559)</u>	<u>(\$74,299)</u>
FTE Change - OA	1 FTE	1 FTE	1 FTE
<u>Costs - DPS-DO (\$334.950)</u>			
Personal service	(\$21,310)	(\$25,828)	(\$26,086)
Fringe benefits	(\$10,869)	(\$13,174)	(\$13,305)
Equipment and expense	(\$7,418)	(\$649)	(\$665)
Provider reimbursement (Section 8.050 of FY 2015 approved budget)	<u>(\$1,452,000)</u>	<u>(\$1,452,000)</u>	<u>(\$1,452,000)</u>
Total <u>Costs - DPS-DO</u>	<u>(\$1,491,597)</u>	<u>(\$1,491,651)</u>	<u>(\$1,492,056)</u>
FTE Change - DPS	1 FTE	1 FTE	1 FTE
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(\$1,554,728)</u>	<u>(\$1,565,210)</u>	<u>(\$1,566,355)</u>
Estimated Net FTE Change on the General Revenue Fund	2 FTE	2 FTE	2 FTE

<u>FISCAL IMPACT - Local Government</u>	FY 2015 (10 Mo.)	FY 2016	FY 2017
	<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

OFFICE OF CHILD ADVOCATE (Section 37.710)

This proposal allows the Office of the Child Advocate within the Office of Administration to file any pleadings necessary in order to intervene on behalf of a child at the appropriate judicial level using the resources of the Office of the Attorney General. (Section 37.710)

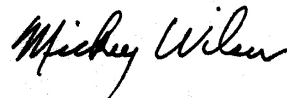
SAFE CARE PROVIDER REIMBURSEMENT (Section 334.950)

The Department of Public Safety must establish rules and make payments to SAFE CARE providers, out of appropriations made for that purpose, who provide forensic examinations of individuals under 18 years of age who are alleged victims of physical abuse.

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
Department of Social Services -
 Children's Division
Department of Public Safety -
 Director's Office
 Missouri State Highway Patrol
Joint Commission on Administrative Rules
Office of Administration -
 Information Technology Services Division/DSS
 Office of Child Advocate
Office of Prosecution Services
Office of Secretary of State



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