

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5090-01
Bill No.: HB 1713
Subject: Adoption; Vital Statistics; Children and Minors
Type: Original
Date: February 8, 2018

Bill Summary: This proposal modifies provisions relating to the Missouri Adoptee Rights Act.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
General Revenue	Greater than \$10,560	Greater than \$12,672	Greater than \$12,672
Total Estimated Net Effect on General Revenue	Greater than \$10,560	Greater than \$12,672	Greater than \$12,672

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Children's Trust	Greater than \$13,200	Greater than \$15,840	Greater than \$15,840
Endowed Care Cemetery Audit	Greater than \$2,640	Greater than \$3,168	Greater than \$3,168
MOPHS	Greater than \$13,200	Greater than \$15,840	Greater than \$15,840
Total Estimated Net Effect on Other State Funds	Greater than \$29,040	Greater than \$34,848	Greater than \$34,848

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on FTE	0	0	0

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§193.128 - Missouri Adoptee Rights Act

Officials from the **Department of Health and Senior Services (DHSS)** state the provisions of Section 193.128.6 of the proposed legislation allows an adoptee to complete a contact preference form and to have that form filed with the original birth certificate of the adopted person. Since the adopted person is the only person who may request a copy of their original birth certificate, along with a copy of the contact preference form and medical history form when filed, the purpose of the contact preference form for an adoptee is unclear. The adoptee would be required to pay a \$15 fee to file the form to be placed in their birth record file and could only be released back to them as a copy if they requested a copy of their original birth certificate and paid an additional fee. Given the ambiguity of this provision, the costs and/or revenues related to this provision is unknown.

Section 193.128.7 of the proposed legislation adds a provision such that identifying information on the copy of the original birth certificate that has been redacted, per indications on the contact preference form, shall only be redacted for one year from the date of relinquishment. There is nothing within the statute that defines what is meant by the date of relinquishment. The activities related to this provision would be very different based on the intended meaning. Given the ambiguity of this provision, the costs and/or revenues related to this provision is also unknown.

Section 193.128.11 of the proposed legislation adds a provision such that descendants of an adopted person shall have the right to obtain a copy of the adopted person's original birth certificate and accompanying contact preference form and medical history form upon proof that the adopted person is deceased. Currently, the original birth certificate of a deceased adopted person can only be released under a court order. Since the passage of the original Missouri Adoptee Rights Act, the Bureau of Vital Records (BVR) has been handling on average 132 telephone calls per month regarding inquiries into the process for receiving a copy of an original birth certificate of a deceased adoptee. BVR would anticipate those requests to double (264) if the proposed legislation passes. For purposes of this fiscal note, it is also estimated that each of these calls would translate to a request for a copy of the original birth certificate of the deceased. The assumption of this volume also considers that with a deceased adoptee, there is the potential for numerous descendants to request their own copy; whereas; a living adoptee is the only person who can request a copy of their original birth certificate.

Per Section 193.265, RSMo, DHSS receives a fee of \$15 for each copy of a birth certificate. The fees are distributed into General Revenue (\$4), the Children's Trust Fund (\$5), the Endowed Care Cemetery Audit Fund (\$1) and the Missouri Public Health Services (MOPHS) Fund (\$5).

ASSUMPTION (continued)

Assuming an estimate of 264 requests per month (264 X 12 = 3,168 annually), revenue from the birth certificates would be deposited each year as follows: \$12,672 into General Revenue (3,168 X \$4); \$15,840 into the Children's Trust Fund (3,168 X \$5); \$3,168 into the Endowed Care Cemetery Audit Fund (3,168 X \$1); and \$15,840 into the MOPHS Fund (3,168 X \$5).

With the expected increase in requests, coupled with the current back-log of requests to all customers (eight week turn-around), the additional requests necessitate the need for 0.5 FTE of a Senior Office Support Assistant (\$26,340 annually) to process the requests within a timely manner. Processing entails reviewing the application and making a determination on whether the applicant has provided sufficient information to identify the record and provide adequate proof that the adoptee is deceased, and either reject the application or issue the certified copy. Without additional staff, the back-log of requests will increase the turn-around time to all customers significantly.

Oversight assumes the DHSS would not hire 0.5 FTE and would assign the additional duties to existing staff. However, if additional FTE are needed as a result of an increase in workload due to the provisions of this proposal, DHSS could request additional funding through the appropriations process.

Officials from the **Department of Social Services** and the **Office of State Courts Administrator** each assume the proposal would not fiscally impact their respective agencies.

This proposal will increase Total State Revenue.

<u>FISCAL IMPACT - State Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
GENERAL REVENUE FUND			
<u>Income - DHSS (\$193.128)</u>			
Increase in birth certificate fees and other form fees	<u>Greater than</u> <u>\$10,560</u>	<u>Greater than</u> <u>\$12,672</u>	<u>Greater than</u> <u>\$12,672</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>Greater than</u> <u>\$10,560</u>	<u>Greater than</u> <u>\$12,672</u>	<u>Greater than</u> <u>\$12,672</u>

<u>FISCAL IMPACT - State Government</u>	FY 2019	FY 2020	FY 2021
	(10 Mo.)		
CHILDREN'S TRUST FUND (#694)			
<u>Income - DHSS (\$193.128)</u>			
Increase in birth certificate fees and other form fees	<u>Greater than</u> <u>\$13,200</u>	<u>Greater than</u> <u>\$15,840</u>	<u>Greater than</u> <u>\$15,840</u>
ESTIMATED NET EFFECT ON THE CHILDREN'S TRUST FUND			
	<u>Greater than</u> <u>\$13,200</u>	<u>Greater than</u> <u>\$15,840</u>	<u>Greater than</u> <u>\$15,840</u>
ENDOWED CARE CEMETERY AUDIT FUND (#562)			
<u>Income - DHSS (\$193.128)</u>			
Increase in birth certificate fees and other form fees	<u>Greater than</u> <u>\$2,640</u>	<u>Greater than</u> <u>\$3,168</u>	<u>Greater than</u> <u>\$3,168</u>
ESTIMATED NET EFFECT ON THE ENDOWED CARE CEMETERY AUDIT FUND			
	<u>Greater than</u> <u>\$2,640</u>	<u>Greater than</u> <u>\$3,168</u>	<u>Greater than</u> <u>\$3,168</u>
MISSOURI PUBLIC HEALTH SERVICES FUND (MOPHS) (#298)			
<u>Income - DHSS (\$193.128)</u>			
Increase in birth certificate fees and other form fees	<u>Greater than</u> <u>\$13,200</u>	<u>Greater than</u> <u>\$15,840</u>	<u>Greater than</u> <u>\$15,840</u>
ESTIMATED NET EFFECT ON THE MISSOURI PUBLIC HEALTH SERVICES FUND			
	<u>Greater than</u> <u>\$13,200</u>	<u>Greater than</u> <u>\$15,840</u>	<u>Greater than</u> <u>\$15,840</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
	<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 bill allows a birth parent or adoptee to request a contact preference form that will accompany the birth certificate of an adopted person. Currently, only a birth parent may request the form. A contact preference form states whether the birth parent or adoptee would like to be contacted. A birth parent may also request a medical history form to provide medical history to an adoptee.

If one birth parent indicates that he or she would prefer not to be contacted, then his or her identifying information will be redacted from the adoptee's birth certificate and from the medical history form. The bill allows this information to be redacted for one year from the date of relinquishment.

If an adopted person is deceased, his or her descendants have the right to obtain a copy of the adoptee's birth certificate, contact form, and medical history form.

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. 5090-01
Bill No. HB 1713
Page 7 of 7
February 8, 2018

SOURCES OF INFORMATION

Department of Health and Senior Services
Department of Social Services
Office of State Courts Administrator

Ross Strobe

A handwritten signature in black ink, appearing to read "Ross Strobe", with a stylized flourish at the end.

Acting Director
February 8, 2018