

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5090-03
Bill No.: Truly Agreed To and Finally Passed SCS for HCS for HB 1713
Subject: Adoption; Vital Statistics; Children and Minors
Type: Original
Date: June 6, 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	(\$78,741)	(\$75,404)	(\$76,289)
Total Estimated Net Effect on General Revenue	(\$78,741)	(\$75,404)	(\$76,289)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Children's Trust	\$23,929	\$28,715	\$28,715
Endowed Care Cemetery Audit	\$4,786	\$5,743	\$5,743
MOPHS	\$23,929	\$28,715	\$28,715
Total Estimated Net Effect on Other State Funds	\$52,644	\$63,173	\$63,173

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
General Revenue	2	2	2
Total Estimated Net Effect on FTE	2	2	2

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 193.128.2 would allow birth parents to receive a copy of the adopted person's original birth certificate. Based on the number of requests for a copy of a birth certificate by an adopted person since October 1, 2017, DHSS estimates that it will receive 5,500 requests annually. For purposes of this fiscal note, it is estimated that DHSS would receive requests from birth parents equal to approximately 25 percent of the requests received from adopted persons; this equates to 1,375 requests ($5,500 \times 0.25 = 1,375$)

The provisions of 193.128.6 of the proposed legislation allow an adoptee to complete a contact preference form to be filed with the original birth certificate of the adopted person. The adoptee would be required to pay a \$15 fee to file the form to be placed in their birth record file. Should the birth parent make a request for the original birth certificate, the contact preference form would be included. Based on the number of contact preference forms received from birth parents, DHSS is estimating that 1,200 contact preference forms from adopted persons would be filed each year.

Section 193.128.11 of the proposed legislation adds a provision that lineal 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 the 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. The estimated number of birth certificates issued for adoptees that are deceased is 3,168 per year (264×12 months).

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 a total of 4,543 birth certificates (1,375 birth parent requests + 3,168 deceased adoptees' certificate requests = 4,543) to be issued and a total of 1,200 contact preference forms to be filed each year (total birth certificates + contact preference forms = 5,743 forms), revenue from birth certificates and contact preference forms would be deposited each year as follows: \$22,972 into General Revenue (5,743 X \$4); \$28,715 into the Children's Trust Fund (5,743 X \$5); \$5,743 into the Endowed Care Cemetery Audit Fund (5,743 X \$1); and \$28,715 into the MOPHS Fund (5,743 X \$5) .

With the expected increase in birth certificate and contact preference form requests, coupled with the current back-log of requests to all customers (eight week turn-around), the additional requests necessitate the need for 2 Senior Office Support Assistants (\$52,680 annually) to process the requests within a timely manner. Processing of a request includes reviewing the application and making a determination if sufficient information has been provided by the applicant, verifying that the applicant has provided adequate proof that the adoptee is deceased, reject or approve the issuance of a certified copy, and review contact preference forms are filed with the correct record. Without additional staff, the back-log of requests will increase the turn-around time to all customers significantly.

Oversight assumes DHSS would not need additional rental space for 2 new FTE for this single proposal. However, Oversight notes, depending on the number of proposals passed during the legislative session, that cumulatively, DHSS may need additional rental space or capital improvements as determined by the Office of Administration, Facilities Management, Design and Construction.

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	\$19,143	\$22,972	\$22,972
<u>Costs - DHSS (\$193.128)</u>			
Personal service	(\$43,900)	(\$53,207)	(\$53,739)
Fringe benefits	(\$31,018)	(\$37,378)	(\$37,536)
Equipment and expense	<u>(\$22,966)</u>	<u>(\$7,791)</u>	<u>(\$7,986)</u>
Total <u>Costs - DHSS</u>	<u>(\$97,884)</u>	<u>(\$98,376)</u>	<u>(\$99,261)</u>
FTE Change - DHSS	2 FTE	2 FTE	2 FTE
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(\$78,741)</u>	<u>(\$75,404)</u>	<u>(\$76,289)</u>
Estimated Net FTE Change on the General Revenue Fund	2 FTE	2 FTE	2 FTE
 CHILDREN'S TRUST FUND (#694)			
<u>Income - DHSS (\$193.128)</u>			
Increase in birth certificate fees and other form fees	<u>\$23,929</u>	<u>\$28,715</u>	<u>\$28,715</u>
ESTIMATED NET EFFECT ON THE CHILDREN'S TRUST FUND	<u>\$23,929</u>	<u>\$28,715</u>	<u>\$28,715</u>

<u>FISCAL IMPACT - State Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
ENDOWED CARE CEMETERY AUDIT FUND (#562)			
<u>Income - DHSS (§193.128)</u>			
Increase in birth certificate fees and other form fees	<u>\$4,786</u>	<u>\$5,743</u>	<u>\$5,743</u>
ESTIMATED NET EFFECT ON THE ENDOWED CARE CEMETERY AUDIT FUND	<u>\$4,786</u>	<u>\$5,743</u>	<u>\$5,743</u>
MISSOURI PUBLIC HEALTH SERVICES FUND (MOPHS) (#298)			
<u>Income - DHSS (§193.128)</u>			
Increase in birth certificate fees and other form fees	<u>\$23,929</u>	<u>\$28,715</u>	<u>\$28,715</u>
ESTIMATED NET EFFECT ON THE MISSOURI PUBLIC HEALTH SERVICES FUND	<u>\$23,929</u>	<u>\$28,715</u>	<u>\$28,715</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.

SOURCES OF INFORMATION

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

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Acting Director
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