

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5434-05
Bill No.: HCS for SB 850
Subject: Children and Minors; Children's Division; Social Services Department
Type: Original
Date: April 20, 2018

Bill Summary: This proposal modifies provisions of law relating to child protection and reformation, vital statistics, and adoption and foster care.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
General Revenue			
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

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

§193.265 - Free certificates for certain children

Officials from the **Department of Health and Senior Services (DHSS)** state section 193.265.1 of this proposed legislation states no fee shall be required or collected for a certification of birth, death, or marriage if the request is made by the Children's Division (CD) or the Division of Youth Services (DYS) on behalf of a child who has come under juvenile court jurisdiction per section 211.031. Per Section 193.265, RSMo, DHSS receives a fee of \$15 for each certified birth certificate, marriage and divorce statement issued. 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).

The DHSS began issuing one free copy of a certified birth certificate to the CD on behalf of a child in foster care starting August 2017. Prior to this date, DHSS issued non-certified administrative use copies only upon the request of the CD. These were provided free of charge and DHSS would recoup the cost of issuance once a certified copy was requested.

The total requests from the Children's Division have increased, on average, 5 percent each year since 2015. Given that this proposed legislation will require DHSS to also provide a free certified copy of deaths and marriages to the CD, a free certified copy of births, deaths, and marriages to the DYS, and the legislation contains no provisions for limiting the number of copies requested per individual under jurisdiction, DHSS estimates a 30 percent increase in requests once the legislation becomes effective. In subsequent years, DHSS anticipates the continued 5 percent increase. As of December 15, 2017, DHSS has received 3,413 requests from the Children's Division for 2017. Using 2017 data as a base, DHSS estimates 4,437 (3,413 requests x 30% increase = **1,024** + 3,413 = 4,437) requests for FY 2019; 4,659 (4,437 x 5% increase = **222** + 4,437 = 4,659) requests for FY 2020; and 4,892 (4,659 x 5% = **233** + 4,659 = 4,892) requests for FY 2021. This equates to a difference from current issuance of 1,024 certificates for FY 2019, 1,246 certificates for FY 2020 (1,024 + 222), and 1,479 certificates for FY 2021 (1,024 + 222 + 233).

The fees collected on certified copies are deposited into the MOPHS fund (\$5 per certificate) and are allocated to the Bureau of Vital Records for program operations. MOPHS revenue supports the maintenance of Missouri's electronic birth and death registration system (MoEVR), staff to process all requests, and specialized print paper. The maintenance of the MoEVR system is critical for the accurate and timely processing of Missouri birth and death certificates and Bureau of Vital Records staff have a current back log of eight weeks. The revenue lost from issuing these additional certificates necessitates the need to seek general revenue funds to supplant the loss.

ASSUMPTION (continued)

	General Revenue (\$4/certificate)	Children’s Trust Fund (\$5/certificate)	Endowed Care Cemetery Audit Fund (\$1/certificate)	Missouri Public Health Services (MOPHS) Fund (\$5/certificate)
FY 2019 (1,024 certificates)	\$4,096	\$5,120	\$1,024	\$5,120
FY 2020 (1,243 certificates)	\$4,984	\$6,230	\$1,246	\$6,230
FY 2021 (1,479 certificates)	\$5,916	\$7,395	\$1,479	\$7,395

With the expected increase in requests, coupled with the current back-log of requests to all customers (eight week turn-around), the additional requests necessitates 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 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.

The DHSS estimates the fiscal impact of this proposal to the General Revenue Fund to be a cost plus the loss of certificate revenue of \$44,125 for FY 2019; \$43,531 for FY 2020; and \$46,043 for FY 2021. In addition, there will be a loss of certificate revenue to the Children’s Trust Fund, the MOPHS fund and the Endowed Care Cemetery Fund for each year.

Officials from the **Department of Social Services (DSS)** state this bill modifies section 193.265 subsection 1 by prohibiting any fee from being required or collected for a certification of birth, death or marriage if the request for certification is made by the Children’s Division or Division of Youth Services (DYS) on the behalf of a child who has come under the jurisdiction of the juvenile court under Section 210.031.

The Children’s Division (CD) is not currently being charged for certification of birth, death or marriage, for children in Division custody. This legislation would not create a fiscal or programmatic impact for the CD. However, currently, the DYS is charged \$15 per birth certificate. The DYS requests no more than 100 birth certificates a year for youth in its custody. Therefore, if this legislation is enacted, the DYS would have a cost savings of up to \$1,500 per year.

ASSUMPTION (continued)

Oversight assumes savings up to \$1,500 for the DSS, DYS to be minimal and will not present these savings for fiscal note purposes.

Oversight notes, based on discussions with Department of Social Services personnel, of the number of children that are under the care and control of the department, very few are under the “jurisdiction of the juvenile court” as provided for in 193.265.1 of the proposal. Therefore, Oversight assumes DHSS will not have a significant increase in the number of certificates it issues to the Children’s Division or Division of Youth Services and will not need additional personnel or resources. Oversight assumes the additional expenses incurred (or offsetting savings) as a result of providing certificates provided to the CD and DYS will be absorbable within current funding levels.

§210.145 - Child abuse and neglect investigations

Officials from the **Department of Social Services (DSS)** assume the provisions of this section will have no fiscal impact on their organization.

§210.152 - Retention of CA/N investigation reports

Officials from the **Department of Social Services** assume the proposal would not fiscally impact their agency.

Officials from the **Office of Administration (OA), Information Technology Services Division (ITSD)/DSS** state changes would have to be made to the expungement process in the Family and Children’s Electronic System (FACES).

ITSD assumes that every new IT project/system will be bid out because all ITSD resources are at full capacity. The current contract rate for IT consultants is \$75 per hour. It is estimated this proposal will take 172.80 hours at a cost of \$12,960 (172.80 X \$75), split 50/50 between General Revenue (GR) and federal funds.

Oversight assumes OA, ITSD/DSS can absorb this minimal increase in workload and expense within current resources; GR (\$6,480)/Federal funds (\$6,480).

Bill as a whole

Officials from the **Office of State Public Defender (SPD)** state, for the purpose of this proposed legislation, the SPD cannot assume that existing staff will provide competent, effective representation for any new cases where indigent persons are charged with the proposed new crime of failing to comply with a request to present a child to be evaluated for health and safety, a new Class A misdemeanor.

ASSUMPTION (continued)

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases.

Oversight assumes the SPD can absorb the additional caseload that may result from this proposal.

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 the proposal results in a significant increase in litigation.

Officials from the **Office of State Courts Administrator (CTS)** indicate there may be some impact but there is no way to quantify that impact at the present time. Any significant changes will be reflected in future budget requests.

Officials from the **Department of Public Safety, Missouri State Highway Patrol** and the **Missouri Office of Prosecution Services** each assume the proposal would not fiscally impact their respective agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
	<u>\$0</u>	<u>\$0</u>	<u>\$0</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

The proposed legislation appears to have no direct fiscal impact.

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 Social Services
Office of Administration -
 Information Technology Services Department/DSS
Office of State Courts Administrator
Department of Health and Senior Services
State Public Defender's Office
Office of the Attorney General
Department of Public Safety -
 Missouri Highway Patrol
Missouri Office of Prosecution Services

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April 20, 2018