

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5443-01
Bill No.: SB 851
Subject: Children and Minors; Civil and Criminal Procedure; Courts; Courts, Juvenile;
Domestic Relations; Family Law; Guardians; Marriage and Divorce
Type: Original
Date: February 8, 2018

Bill Summary: This proposal modifies the law relating to orders issued by juvenile courts.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
General Revenue	Up to \$70,800	Up to \$45,710	Up to \$45,710
Total Estimated Net Effect on General Revenue	Up to \$70,800	Up to \$45,710	Up to \$45,710

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 5 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

Officials at the **Department of Social Services (DSS)** state the Family Support Division (FSD) assumes that cases will be established or enforced only if FSD child support is required to provide child support services according to 454.400.2 (14). FSD will be able to enforce juvenile orders as it does today utilizing existing staff. FSD assumes circuit clerks will follow Section 454.412, RSMo, to enter child support orders entered by the juvenile court into the state case registry (i.e, the Missouri Automated Child Support System); therefore, no impact to FSD.

As of January 1, 2017, the Children's Division (CD) estimates there were approximately 232 children who could be released from custody if the juvenile court were allowed to modify court orders as defined in this legislation. The majority of these children are placed with a parent, but the juvenile court has not released custody. The primary expenditure disbursed in regards to these children may be the annual clothing allowance available. The estimated number of children by age group who would be impacted by this legislation and the annual clothing allowance by age is as follows:

- 0-5 – 83 Children x \$250 per year = \$20,750
- 6-12 – 113 Children x \$290 per year = \$32,770
- 13-Over – 36 Children x \$480 per year = \$17,280
- GRAND TOTAL 232 Children = \$70,800 (Cost Savings)

After the initial year, it is anticipated that 150 children per year would not enter CD custody and that the clothing allowance for those children would be avoided. The ongoing annual cost avoidance would be \$45,710.

The Children's Division cannot put an exact figure on the costs savings this bill may have, but expects that currently some children remain in the legal and/or physical custody of the Children's Division for the sole purpose of ensuring that the child's safety and well-being is not jeopardized by the court terminating its jurisdiction and allowing the judgments and orders that were in place prior to the juvenile court assuming jurisdiction to return to full force and effect.

The ability of the juvenile court to issue orders expressly ensuring its orders remain in full force an effect after terminating juvenile court proceedings has the potential to reduce the length of time children remain in state custody in future cases as well.

ASSUMPTION (continued)

Officials at the **Office of the State Courts Administrator** assume there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

Officials at the **Office of the Attorney General (AGO)** assume that 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 litigation.

Officials at the **Department of Mental Health** assume no fiscal impact from this proposal.

<u>FISCAL IMPACT - State Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
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GENERAL REVENUE

<u>Cost Avoidance - DSS - annual clothing allowance</u>	<u>Up to \$70,800</u>	<u>Up to \$45,710</u>	<u>Up to \$45,710</u>
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ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>Up to \$70,800</u>	<u>Up to \$45,710</u>	<u>Up to \$45,710</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

Under current law, any order or judgment entered by a court concerning child protection takes precedence over any previous court order concerning the status or custody of a child for as long as the new court order remains in effect. This act adds orders of guardianships to the list of prior orders concerning the status or custody of a child over which a new court order shall take precedence.

FISCAL DESCRIPTION (continued)

Additionally, any court exercising jurisdiction over a child in specified cases shall have the authority to: (1) enter an order regarding the custody of the child, (2) enter a child support order, (3) establish rights of visitation, and (4) establish paternity. Any custody, support, or visitation order entered by the court shall remain in effect after the termination of the underlying juvenile court proceeding unless the order expressly states otherwise. If the court terminates jurisdiction without entering a continuing custody, support, or visitation order, then the child shall be returned to a parent, custodian, or legal guardian who exercised custody prior to the court's assumption of jurisdiction and any custody or visitation orders in effect at the time the court assumed jurisdiction shall be restored.

The juvenile court shall not hear any modification motions or other actions to rehear any order entered under this act after the court terminates jurisdiction.

Finally, this act requires the Children's Division to make all reasonable efforts to establish paternity within 60 days of the court assuming jurisdiction over the child in specified cases.

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 the State Courts Administrator
Office of the Attorney General
Department of Mental Health

Ross Strobe



Acting Director
February 8, 2018