

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 5820-01  
Bill No.: SB 890  
Subject: Children and Minors; Children’s Division; Courts, Juvenile; Domestic Relations; Family Law; Health Care Professionals; Physicians; Social Services Department  
Type: Original  
Date: January 30, 2018

Bill Summary: This proposal establishes procedures for obtaining certain information for a child abuse or neglect investigation.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
General Revenue	(Unknown greater than \$100,000)	(Unknown greater than \$100,000)	(Unknown greater than \$100,000)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(Unknown greater than \$100,000)</b>	<b>(Unknown greater than \$100,000)</b>	<b>(Unknown greater than \$100,000)</b>

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

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 6 pages.

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

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
General Revenue	Unknown	Unknown	Unknown
<b>Total Estimated Net Effect on FTE</b>	<b>Unknown</b>	<b>Unknown</b>	<b>Unknown</b>

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

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

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Office of Attorney General (AGO)** state SB 890 grants the Attorney General or his designee certain investigative tools including the power to subpoena, take depositions, and issue interrogatories, for any report of child abuse or neglect in Missouri. Costs to the AGO are primarily from the additional FTEs required to conduct investigations in potentially all 114 counties and the City of St. Louis. The number of potential investigations is unknown to the AGO at this time; therefore, the AGO is unable to estimate costs. The AGO assumes the number of potential investigations would be significant enough to require the creation of a new unit within the AGO.

**Oversight** notes per the Department of Social Services, Children's Division (CD) 2018 budget (most current available online), the CD reported 72,904 Child Abuse/Neglect Reports for 2016. It is unknown how many Child Abuse and Neglect investigations the AGO would become involved in.

According to the Secretary of State's online Official Blue Book for 2017-2018, the AGO's entry level salary for an Assistant Attorney General (AAG) appeared to be \$45,500 per year plus fringe benefits, equipment and expense. Assuming the AGO hired two (2) FTE as a result of this proposal, the AGO's annual cost would exceed \$100,000. Therefore, **Oversight** assumes the fiscal impact of this proposal to the General Revenue Fund for additional AGO staff and expenses to be (Unknown greater than \$100,000 annually).

For the purpose of this proposed legislation, officials from the **Office of State Public Defender (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 not preserving information with regard to a child abuse case - a new class A misdemeanor.

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 State Courts Administrator (OSCA)** state this proposal may have 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.

ASSUMPTION (continued)

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

Officials from the **St. Louis City and Phelps County** Circuit Clerks offices did not respond to **Oversight’s** request for a statement of fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
<b>GENERAL REVENUE FUND</b>			
<u>Costs - AGO (§210.143) - Additional personnel, equipment and expenses</u>	<u>(Unknown greater than \$100,000)</u>	<u>(Unknown greater than \$100,000)</u>	<u>(Unknown greater than \$100,000)</u>
<b>ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>	<b><u>(Unknown greater than \$100,000)</u></b>	<b><u>(Unknown greater than \$100,000)</u></b>	<b><u>(Unknown greater than \$100,000)</u></b>

<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

Under this act, the director of the Department of Social Services, his or her designee, the Attorney General, or his or her designee may administer oaths and affirmations, issue subpoenas, take testimony, require document production, and other evidentiary measures if the Director or Attorney General deems it relevant and material to an investigation or proceeding relating to child abuse or neglect.

This act also permits the Children's Division, a juvenile officer, or a prosecuting or circuit attorney to petition the circuit court on an ex parte basis for an order directing a parent, guardian, or other person with the care, custody, or control of a child who is the subject of a child abuse or neglect investigation to present the child to a qualified health care provider at a designated time and place for a sexual assault forensic examination, physical examination, psychological evaluation, interview, or other testing. The court shall enter an order under this act if the court determines that there is probable cause to suspect the child has been abused or neglected, the interview or examination is reasonably necessary for the completion of an investigation or the collection of evidence, and doing so would be in the best interests of the child. The act specifies the procedure for granting the ex parte order, as well as the procedure for any person served with a subpoena or order under this act to file a motion for a protective order or other relief.

Any person served with an investigative demand or subpoena under this act shall preserve the information requested until produced or until further ordered by the court. Any person who knowingly violates this provision shall be guilty of a Class A misdemeanor.

Finally, this act permits the tolling of statutory timelines for the Children's Division regarding investigations from the date the Division files a petition for a subpoena until the information is produced in full, the subpoena is withdrawn, or a court quashes the subpoena.

This legislation is not federally mandated, would not duplicate any other program but may require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Attorney General  
Department of Public Safety -  
    Missouri State Highway Patrol  
Department of Social Services -  
    Children's Division  
    Division of Legal Services  
Missouri Office of Prosecution Services  
Office of State Courts Administrator  
Office of State Public Defender

Ross Strope

A handwritten signature in black ink, appearing to read "Ross Strope". The signature is stylized with a large initial "R" and a long, sweeping underline.

Acting Director  
January 30, 2018