

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5820-04
Bill No.: Perfected SS for SCS for 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: March 30, 2018

Bill Summary: This proposal establishes procedures for obtaining certain information for a child abuse or neglect investigation and modifies procedures relating to termination of parental rights.

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | | | |
|--|------------|------------|------------|
| FUND AFFECTED | FY 2019 | FY 2020 | FY 2021 |
| | | | |
| 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 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 from the **Department of Social Services, Children's Division** and **Division of Legal Services** assume the proposal would not fiscally impact their agency.

In response to the previous version of this proposal, 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 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 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 (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.

Officials from the **Department of Insurance, Financial Institutions and Professional Registration**, the **Department of Mental Health**, the **Department of Corrections**, 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

This act permits the Children's Division, a juvenile officer, or a prosecuting or circuit attorney to petition the circuit court on an 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 at a designated time and place to: (1) a Children's Division worker for a visual assessment, (2) a SAFE CARE provider for a sexual assault forensic examination or a child physical abuse forensic examination, or (3) a child assessment center for an interview as specified in the act.

The court shall enter an order for presentation of a child for an examination or interview 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 court shall enter an order for a visual assessment if there is reasonable suspicion to believe that the child has been abused or neglected and the parent or guardian will not voluntarily provide access to the child, a visual assessment is reasonably necessary for the completion of an investigation or for the collection of evidence, and doing so would be in the best interests of the child.

The act specifies the procedure for granting an ex parte order, as well as the procedure for any person served with an order under this act to file a motion for a protective order or other relief. Any person who knowingly violates an order shall be guilty of a Class A misdemeanor.

FISCAL DESCRIPTION (continued)

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 order 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

Department of Social Services -
 Children's Division
 Division of Legal Services
Office of Attorney General
Department of Insurance, Financial Institutions and Professional Registration
Department of Mental Health
Department of Corrections
Department of Public Safety -
 Missouri State Highway Patrol
Missouri Office of Prosecution Services
Office of State Courts Administrator
Office of State Public Defender

Ross Strobe



Acting Director
March 30, 2018