

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3201-08
Bill No.: Truly Agreed To and Finally Passed SS for SCS for HCS for HB 1414
Subject: Children and Minors; Children's Division; Courts; Courts, Juvenile; Health and Senior Services Department; Family Law; Military Affairs; Social Services Department; Vital Statistics
Type: Original
Date: June 3, 2020

Bill Summary: This proposal modifies provisions relating to the protection of children.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
General Revenue	(\$368,192 to \$392,291)	(\$222,174 to \$251,092)	(\$233,505 to \$262,423)
Total Estimated Net Effect on General Revenue	(\$368,192 to \$392,291)	(\$222,174 to \$251,092)	(\$233,505 to \$262,423)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
MOPHS (0298)	\$0 to (\$13,388)	\$0 to (\$16,066)	\$0 to (\$16,066)
Endowed Care Cemetery Audit (0562)	\$0 to (\$2,678)	\$0 to (\$3,213)	\$0 to (\$3,213)
Children's Trust (0694)	\$0 to (\$13,389)	\$0 to (\$16,066)	\$0 to (\$16,066)
Total Estimated Net Effect on <u>Other</u> State Funds	\$0 to (\$29,455)	\$0 to (\$35,345)	\$0 to (\$35,345)

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 27 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Federal Funds*	\$0	\$0	\$0
Total Estimated Net Effect on <u>All</u> Federal Funds*	\$0	\$0	\$0

* Income and costs exceed \$900,000 in FY 21, then \$400,000 annually and net to \$0.

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
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 2021	FY 2022	FY 2023
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§193.265 - Free birth certificates for homeless child/youth and unaccompanied youth

Officials from the **Department of Health and Senior Services (DHSS)** state the proposed legislation states that no fee shall be required for a birth, death, or marriage certificate by a parent or guardian of a homeless child or homeless youth as defined in §167.020.1, an unaccompanied youth as defined in 42 U.S.C. Section 11434a(6).

According to the United States Interagency Council on Homelessness, Missouri had an estimated youth and children homeless population of 32,133 as of January 2018, of which 3,944 were unaccompanied homeless students. The Division of Community and Public Health (DCPH), Bureau of Vital Records (BVR) has no way to estimate how many requests for birth certificates would be submitted. For fiscal impact purposes the impact ranges from zero to 100 percent.

DHSS has no way to estimate how many parents or guardians of a homeless child or homeless youth would submit requests for birth, marriage, or death certificates. The department estimates that not enough homeless children or homeless unaccompanied youth would require access to certified marriage or death certificates to create measurable impact, thus those have not been included in this fiscal note. This will cause a loss of revenue to state funds. The impact ranges from zero utilization of the fee exemption to 100 percent utilization of the fee exemption among the eligible populations.

The estimated loss of fees for requests at 100 percent issuance of the identified populations of 32,133 homeless youth could range from \$0 to \$401,662 for FY 2021 and \$0 to \$481,995 for FY 2022 and FY 2023.

Per §193.265, RSMo, DHSS receives a fee of \$15 for each certified birth certificate 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). General Revenue would be used to replace the MOPHS fees lost.

The loss of revenue of certificate fees to the state funds listed above is detailed in the table below.

ASSUMPTION (continued)

Fund Name	FY2021	FY2022	FY2023
General Revenue	\$0 - \$107,110	\$0 - \$128,532	\$0 - \$128,532
Children’s Trust Fund	\$0 - \$133,887	\$0 - \$160,665	\$0 - \$160,665
Endowed Care Cemetery Audit Fund	\$0 - \$26,778	\$0 - \$32,133	\$0 - \$32,133
MOPHS Fund	\$0 - \$133,887	\$0 - \$160,665	\$0 - \$160,665

The fees that are 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. The loss of funds to MOPHS is estimated at the range of \$0 to \$133,887 in FY2021, and \$0 to \$160,665 in FY2022 and FY2023. 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. The revenue lost from issuing these additional certificates necessitates the need to seek General Revenue funds to supplant the loss.

Based on the additional requests that could be made, up to three (3) Public Health Data Technician (PHDT) FTE may be required. 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. The average annual salary of a PHDT is \$29,448.

Oversight notes from discussions with DHSS officials, DHSS applied a fiscal impact range of 0 - 100% because, while the impact is unknown, they believe the number of qualifying individuals who will apply for a free birth certificate will be minimal due to the target population most likely being unaware of the legislation.

Since DHSS believes the number of individuals actually applying for a free birth certificate will be minimal, Oversight, for fiscal note purposes, assumes it is possible for up to 10% of homeless youth or parents of homeless or unaccompanied youth to request a free birth certificate annually; Oversight does not assume 100% of victims will request a free birth certificate annually, although this legislation does not contain a provision to limit the number of issuances. Therefore, Oversight assumes costs could exceed the lower limits of DHSS’ estimate and will present the loss of certificate fees as zero to 10% of the 100% estimate provided by DHSS.

32,133 Homeless Youth & Children x 10% = 3,213 free birth certificates x \$15 = \$48,195 potential lost fees.

ASSUMPTION (continued)

Fund Name	FY2021 (10/12)	FY2022	FY2023
General Revenue (\$4)	\$0 to (\$10,710)	\$0 to (\$12,852)	\$0 to (\$12,852)
Children’s Trust Fund (\$5)	\$0 to (\$13,388)	\$0 to (\$16,065)	\$0 to (\$16,065)
Endowed Care Cemetery Audit Fund (\$1)	\$0 to (\$2,678)	\$0 to (\$3,213)	\$0 to (\$3,213)
MOPHS Fund (\$5)	\$0 to (\$13,388)	\$0 to (\$16,065)	\$0 to (\$16,065)
Total Lost Fees	\$0 to (\$40,164)	\$0 to (\$48,195)	\$0 to (\$48,195)

In addition, language in the proposal does not provide for replacement of funds to the MOPHS Fund for a reduction in revenues received as a result of the issuance of free birth certificates. **Oversight** assumes funds may be replaced and will range replacement of funds as \$0 to the lower limit of funds lost to the MOPHS Fund from the General Revenue Fund.

Oversight also notes DHSS assumes it will need up to three new FTE as a result of the provisions of this proposal. Because Oversight assumes the number of free birth certificates issued may be up to 10% of the homeless/unaccompanied youth population (32,133 homeless x 10% = 3,213 total free birth certificates per year), Oversight further assumes the DHSS will not need additional FTE to issue the minimal number of birth certificates anticipated. However, if these assumptions prove incorrect, DHSS may require additional resources.

In response to similar legislation from the current session (SCS for SB 826), officials from the **Columbia/Boone County Department of Public Health and Human Services (PHHS)** stated this bill would result in a loss of revenue for the PHHS. §193.265.1 of the proposed legislation states no fee will be required for a birth certificate if the request is made by a parent/guardian of a homeless child or youth or an unaccompanied youth.

Per §193.265, RSMo, PHHS receives \$15 for each certified birth certificate statement issued. PHHS estimates a minimum of 25 homeless children in Boone County. For fiscal note purposes, it is estimated that 10 percent of the above population would request a birth certificate resulting in approximately 3 (25 x 10% = 2.5 – rounded to 3) certificates issued annually. If 100 percent of the population requested certificates, approximately 25 could be issued annually (actual numbers could be higher depending on the actual number of homeless children). The combined loss of fees for requests at 10 percent and 100 percent issuance of the identified populations for FY 2021, FY 2022, and FY 2023 are listed in the table below:

ASSUMPTION (continued)

	FY 2021 (10 months) 10% issuance	FY 2021 (10 months) 100% issuance	FY 2022 and FY 2023 10% issuance	FY 2022 and FY 2023 100% issuance
Homeless Youth Requests	\$37.50 - unknown	\$312.50 - unknown	\$45 – unknown for each year	\$375 – unknown for each year

Calculations:

FY 2021, 10% issuance = 3 certificates x \$15 per certificate x (10months/12months) = \$37.50
 FY 2021, 100% issuance = 25 certificates x \$15 per certificate x (10months/12months) = \$312.50
 FY 2022 and 2023, 10% issuance = 3 certificates x \$15 per certificate = \$45
 FY 2022 and 2023, 100% issuance = 25 certificates x \$15 per certificate = \$375

Based on the previous DHSS assumption that the number of individuals actually applying for a free birth certificate will be minimal, **Oversight** assumes, for fiscal note purposes, the fiscal impact to each local public health agency will be minimal and absorbable within current funding levels.

B&P stated the proposal adds parents/guardians of a homeless child/youth and unaccompanied youth to the list of entities for which no fee will be collected for the request of birth, death, or marriage certificates of a child or person under 21 who has come under the jurisdiction of the juvenile court. Insofar as such payments would have been deposited into the state treasury, the legislation could have a negative impact on total state revenue (TSR).

§208.151 - Adds homeless youth eligibility language to MO HealthNet provisions

Officials from the **DSS, Family Support Division (FSD)** state §208.151.1(27) is amended to extend MO HealthNet eligibility to any persons who meet the definition of homeless youth as defined in §167.020, RSMo. §167.020, RSMo defines homeless youth as any person less than twenty-one years of age who lacks a fixed, regular and adequate nighttime residence.

FSD assumes the portion of the population who are under age 19 are already currently eligible under existing eligibility guidelines. 42 CFR 435.118 requires states to provide Medicaid to children under age 19 whose household income is at or below the income standard established.

ASSUMPTION (continued)

Section 1902(a)(10)(A)(ii)(I) of the Social Security Act provides that states have the option to make medical assistance available to individuals up to 21 years of age in one or more reasonable classifications as defined in the state plan. A state plan amendment would be required to request homeless status as the eligibility criteria for individuals age 19 and 20.

FSD determined there will be 152 new individuals eligible for MO HealthNet, who are age 19 and 20 and homeless.

FSD arrived at this number in the following manner:

In 2018, the Department of Housing and Urban Development reported 534 unaccompanied homeless youth age 18-24. FSD assumes an approximate equal distribution of homeless youth age 18-24. Therefore, FSD estimates there are approximately 152 ($534/7 \text{ years} * 2 = 152$) homeless youth age 19 and 20 in Missouri.

FSD assumes the applications received for homeless youth age 19 and 20 could be completed with existing staff.

The FSD assumes OA-ITSD will include the system programming costs for the system changes necessary to implement provisions of this bill.

The FSD defers to MO HealthNet Division for costs to the program; therefore, there is no fiscal impact to FSD.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect no impact for FSD for fiscal note purposes.

Officials from the **DSS, MO HealthNet Division (MHD)** state, regarding §208.151.1(27), because §167.020 doesn't describe "awaiting foster care placement", MO HealthNet is assuming this legislation is referring to children placed in emergency residential treatment. As a result, these youth are already in custody and have Medicaid. However, there would be additional participants added due to this language for homeless youth aged 19-20.

FSD estimated there will be 152 new individuals eligible for MO HealthNet. MHD found that this population would fall under the children's eligibility group, and that their PMPM rate would be \$332.39. Therefore, an annual cost for this population is estimated to be \$606,285 ($152 \text{ newly eligible} * \$332.39 \text{ PMPM} * 12 \text{ months}$). A state plan amendment would be required to request homeless status as the eligibility criteria for individuals aged 19 and 20.

ASSUMPTION (continued)

MHD's total costs for the proposed legislation are as follows:

FY21 (10 mos): Total: \$505,238 (GR: \$176,161; Federal: \$329,076)
FY22: Total: \$637,206 (GR: \$222,174; Federal: \$415,031)
FY23: Total: \$669,703 (GR: \$233,505; Federal: \$436,198)

Oversight does not have any information to the contrary. Therefore, Oversight will reflect the costs provided by MHD for fiscal note purposes.

Office of Administration (OA), Information Technology Services Division (ITSD)/DSS state modifications to the Missouri Eligibility Determination and Enrollment System (MEDES) and the Division of Youth Services (DYS) systems would be required to provide MO HealthNet coverage to homeless children or homeless youths up to the age of 21. OA, ITSD/DSS assumes every new IT project/system will be bid out because all ITSD resources are at full capacity.

MEDES performs eligibility determinations and provides case management functions for the family Medicaid and Children's Health Insurance Program (CHIP) using the Modified Adjusted Gross Income Criteria established by the Patient Protection and Affordable Care Act of 2010. The system is currently programmed to only allow coverage for children up to age 19.

The changes are primarily needed to determine eligibility for homeless youth who are either over the age of 17 or are emancipated minors as FSD is otherwise required to report homeless children to the Children's Division. Presumably these younger children would receive coverage through the alternative care system Family And Children Electronic System (FACES) under existing policy and rules.

The following modifications to MEDES will be required to provide coverage to homeless children and youth up to age 21: allow the homeless indicator to be set for children; modify rules to allow individuals up to age 21 to be eligible; add a new type of evidence to verify homeless status; add new conditions and closing reasons for 21 year olds; modify notices for the approval, change in circumstance and closing processes; create statistical management reports.

The existing MAGI and CHIP programs will continue to work under the existing rules with the exception of homeless status and age requirements which will be added on to the existing rules. Design, development and implementation (DDI) services will be provided via Project Assessment Quotation (PAQ) under Redmane contract #C2170849002 with a total project duration of about 22 weeks so systems work and expenditures will occur in SFY21 exclusively.

ASSUMPTION (continued)

Modifications for the MEDES system must be performed by Redmane. Hourly IT costs under this contract vary by IT consultant type and it is estimated to take 1,684.8 hours for a total cost of \$286,416 (25% GR; 75% Federal) in FY 21.

DYS system modifications would require adding a field to indicate homeless status and updates to the eligibility programs.

IT contract rates for DYS systems are estimated at \$95/hour. It is assumed DYS modifications will require 219.24 hours for a cost of \$20,828 (219.24 * \$95), split 25% GR; 75% Federal.

Therefore, total MEDES and DYS system upgrades will cost \$307,244 (\$76,811 GR; \$230,433 Federal) in FY 21.

Oversight notes in response to similar proposals earlier in session, DSS assumed all (100%) of the programming costs would be paid by the state, instead of the current assumption that the state would pay 25% and the federal government would pay 75%.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect the costs provided by ITSD/DSS for fiscal note purposes.

Officials from the **Department of Mental Health (DMH)** state Subdivision 27 creates a new MO HealthNet eligibility category for children and youth under age 21 who meet the definition of homeless §167.020. This will allow children and youth not eligible in an existing category to receive MO HealthNet coverage. This is subject to approval of a state plan amendment by the Centers for Medicare and Medicaid Services.

The anticipated fiscal impact to DMH for community psychiatric rehabilitation (CPR), Comprehensive Substance Treatment Abuse and Rehabilitation (CSTAR) and Developmentally Disabled (DD) waiver services are included in the DSS estimate.

Oversight does not have any information to the contrary. Therefore, Oversight will assume that any costs or savings incurred by DMH for this legislation will be reflected in the DSS response.

§§210.109 and 210.150 - Child protection system; reporting, monitoring, measuring outcomes

Officials from the **DSS, Children's Division (CD)** state these sections will have no fiscal impact on their organization.

ASSUMPTION (continued)

Oversight does not have any information to the contrary. Therefore, Oversight will reflect the no fiscal impact assumed by CD for fiscal note purposes.

§210.112 - DSS services to children and child placement provisions

CD states this section states all providers of direct services to children and their families will be evaluated in a uniform, transparent, objective, and consistent basis based on an evaluation tool. It also adds services provided timely to families and shall be tracked and routinely evaluated through a quality assurance program.

The evaluation tool shall be established to comply with state and federal guidelines to support best practices for case management and services including frequency of face to face visits with a child. Data regarding all evaluation metrics shall be collected by CD on a monthly basis and CD will issue a quarterly report regarding the evaluation data for each provider, both public and private, by county. A response and evaluation team shall determine how to aggregate cases so that outcomes may be compared effectively while protecting confidentiality. The standards and metrics developed through the evaluation tool shall be used to evaluate competitive bids for future contracts. Guidelines within this section add the creation of the response and evaluation team and describes what that entails and who should be a member of the team. All members are to be appointed and the team shall meet before January 1, 2021. This section further describes the duties and expectations for the evaluation team. CD does not anticipate fiscal impact as a result of the creation of a response and evaluation team. These duties would be absorbed by existing staff.

CD also states this section requires the payment to contracted children's services providers and agencies to be made based on the reasonable costs of services, including responsibilities necessary to execute the contract. Any reimbursement increases made through enhanced appropriations for services shall be allocated to providers regardless of whether the provider is public or private. Such increases shall be considered additive to the existing contracts. In addition to payments reflecting the cost of services, contracts shall include incentives provided in recognition of performance based on the evaluation tool and the corresponding savings for the State. The response and evaluation team shall review a formula to distribute such payments, as recommended by the division.

This legislation may result in programmatic and policy changes; however, no fiscal impact to the Children's Division. These changes may have changes to the Family And Children Electronic System (FACES). CD defers to ITSD for impact.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect the no fiscal impact assumed by CD for this section for fiscal note purposes.

ASSUMPTION (continued)

OA, ITSD/DSS states §§210.112; 210.123 and 210.145 of the proposed legislation will result in required updates to the Family And Children Electronic System (FACES).

ITSD/DSS states there is not enough information or definition of what is required and multiple system functionalities referenced in the legislation already exist in FACES. Without knowing if the current Safety Assessment screen in FACES, Voluntary Placement Agreement in FACES (similar to Temporary Alternative Agreements), Case Review Tool (current Evaluation Tool in FACES), etc. are sufficient or if the legislation is requiring new features to replace them, it is impossible to provide a response that is meaningful in any way. Therefore, ITSD/DSS assumes the existing functionality is not sufficient and that each piece would be new development and/or changes for FACES with the exception of the Case Review Tool. These changes include, but are not limited to: development of new screens, data elements and database tables; navigational functionality allowing for the transfer of data; modifications to intertwined components and subsystems; and updated security access.

Another assumption is that, for the Voluntary Placement Agreement (VPA), no new legal status or placement is required. Adding these requirements would change the level of effort estimate.

Oversight notes ITSD assumed that every new IT project/system will be bid out because all their resources are at full capacity. For this bill, ITSD assumed they will contract out the programming changes needed for FACES. ITSD estimated the project would take 4,363.2 hours at a contract rate of \$95 for a total cost of **\$414,504** split 25% GR; 75% Federal (\$103,626 GR; \$310,878 Federal). Oversight notes that an average salary for a current IT Specialist within ITSD is approximately \$54,641, which totals roughly \$85,000 per year when fringe benefits are added. Assuming that all ITSD resources are at full capacity, Oversight assumes ITSD may (instead of contracting out the programming) hire 4 additional IT Specialists to perform the work required from this bill; however, for fiscal note purposes, Oversight will reflect the ITSD estimated cost of \$414,504 in FY 2021 exclusively.

Oversight also notes that in a previous version of this legislation, ITSD/DSS assumed that some existing functionality could be sufficient for use with the changes in the proposed legislation. In that response, ITSD estimated the project would take 4,017.6 hours at a contract rate of \$95 for a total cost of \$381,672 (100% GR) in FY 2021 exclusively.

§210.123 - Child placement and reporting

CD states this section defines "temporary alternative placement agreement", as a voluntary agreement between CD, a relative of the child, and the parent or guardian of the child to provide a temporary, out of home placement for a child if the parent or guardian is temporarily unable to

ASSUMPTION (continued)

provide care or support for the child and the child is not in imminent danger of death or serious bodily injury, or being sexually abused such that the division determines a referral to the juvenile office with a recommendation to file a petition or to remove the child is not appropriate. This bill lists the required contents of the temporary alternative placement agreement.

In addition to a number of other requirements and guidelines, this section requires CD to submit a written report to Juvenile Office, no later than 10 days before the termination of the temporary alternative placement agreement. CD shall also provide a copy of the report to the placement provider and the child's parent or guardian.

While these provisions may result in programmatic and policy changes; no fiscal impact to CD is anticipated for this section.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect the no fiscal impact assumed by CD for this section for fiscal note purposes.

§210.135 - Immunity from civil liability from an employee's participation in investigations

DSS states the provisions of this section state an employee, including a contracted employee, of a state-funded child assessment center, shall be immune from any civil liability that arises from the employee's participation in the investigation process and services by the child assessment center, unless such person acted in bad faith.

There will be no fiscal impact to the Children's Division

Oversight does not have any information to the contrary. Therefore, Oversight will reflect the no fiscal impact assumed by DSS for fiscal note purposes.

§210.145 - Development of a joint safety assessment tool

CD states §210.145 states CD shall utilize structured decision making protocols, including a standard risk assessment for classification purposes of all child abuse and neglect reports. It also adds CD and the Office of State Courts Administrator (OSCA) develop a joint safety assessment tool before December 31, 2020, to be implemented by January 1, 2022. This will replace the current standard risk assessment.

CD currently uses a risk assessment when assessing on child abuse and neglect reports. CD began implementation of the risk assessment tool on November 1, 2019, and is currently working with OSCA in developing a joint safety assessment tool. CD anticipates no fiscal impact by

ASSUMPTION (continued)

adding the risk assessment. CD will work with OSCA to secure funding for the development of a joint safety assessment. The development of a new tool would need to be piloted and validated prior to use and the time frame provided may not be sufficient.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect the no fiscal impact assumed by CD for this section for fiscal note purposes.

§§210.201 - 210.254 and 210.1080 - Child care facilities

DHSS states §210.201(5) of the proposed legislation adds a definition for Montessori schools, which would require these programs to be accredited by the American Montessori Society (AMS) or the Association of Montessori International (AMI). §201.211.1(8) exempts accredited Montessori schools from the child care facility licensing requirements. Those not currently accredited would need to become accredited by either AMS or AMI, or the school would be required to become licensed.

The Division of Regulation and Licensure, Section for Child Care Regulation (SCCR) is responsible for licensing and inspecting child care facilities. Currently, SCCR has granted exemption determinations for approximately thirty-three Montessori schools in Missouri; however, only five of the thirty-three are currently accredited with AMS or AMI. It is unknown whether the remaining unaccredited schools will seek accreditation or licensure. However, any Montessori schools applying for licensure under the proposed legislation would fall under the same requirements as other licensed facilities and is within the normal ebb and flow for SCCR, so minimal time and expense will be required to conduct the requirements of the proposed legislation.

§210.221.1(1) of the proposed legislation removes the requirement of renewing of a license when expired and the stipulation that no license shall be granted for a term exceeding two years. The current license term is two years. Time saved from not renewing licenses would be transferred into core duties of conducting inspections, compliance monitoring, investigating complaints, enforcement and disciplinary actions, deliver training and technical assistance to child care providers, etc.

The DHSS anticipates being able to absorb these costs. However, until the FY21 budget is final, the DHSS cannot identify specific funding sources.

ASSUMPTION (continued)

A non-expiring license would create a cost savings to the Child Care and Development Fund through the reduction in the number of Denial of Renewal certified letters. Currently, these letters are mailed to child care programs that are in non-compliance with child care regulations. The proposed legislation removes this requirement, so these letters will no longer need to be sent. SCCR processes and sends approximately 60 Denial of Renewal letters each month for an estimated 720 letters each year ($60 \times 12 = 720$). It is assumed at a cost of \$8.32 per certified letter, the Child Care and Development Fund will realize a cost savings of approximately \$4,992 ($\$8.32 \times 720 \times 10/12 = \$4,992$) for FY21, \$6,050 for FY22, and \$6,111 for FY23 (assuming a one percent increase each year for FY22 and FY23).

Oversight does not have any information to the contrary. Oversight assumes the cost and savings estimated by the DHSS to be minimal and will reflect no fiscal impact to the department for fiscal note purposes.

CD states this these sections will have no fiscal impact on CD.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect the no fiscal impact assumed by CD for these sections for fiscal note purposes.

OA, ITSD/DSS states modifications to the Family Assistance Management Information Systems (FAMIS) would be required to provide new functionality on “four or less/six or less” children at a facility. There may also be changes to interfaces and subroutines based on any changes required on the FACES or DYS end of the programming. OA, ITSD/DSS assumes every new IT project/system will be bid out because all ITSD resources are at full capacity.

IT contract rates for FAMIS systems are estimated at \$95/hour. It is assumed FAMIS modifications will require 488.16 hours for a cost of \$46,375 ($488.16 * \95), split 25% GR; 75% Federal (\$11,594 GR; \$34,781 Federal).

Oversight does not have any information to the contrary. Therefore, Oversight will reflect the costs provided by OA, ITSD/DSS for fiscal note purposes.

§210.566 - Foster parent supervision of family visits

CD states §210.566 adds the requirement that CD and its contractors provide full access to the child's medical, psychological, and psychiatric records in its possession at the time of placement, including records prior to the child coming into care, at the time the child is placed with a foster parent.

ASSUMPTION (continued)

DSS is interpreting the term "full access" to be consistent with CD's current Treatment Access policy in its Child Welfare Manual Section 5 Chapter 3 which states, in relevant part, the following:

Supreme Court Rule 123.08 requires the Children's Division and the Juvenile Officer to provide access to records and information within specific time frames without a formal discovery request. Within ten (10) days of the protective custody hearing or within fourteen (14) days of the filing of the petition or motion to modify, the Children's Division and Juvenile Officer must allow for certain records to be made available to all parties.

The addition of the child's medical, psychological, and psychiatric records in its possession at the time of placement remedies a concern expressed in the previous fiscal note regarding the limitations Children's Division has to access a child's records at the time of placement.

CD indicates there is no fiscal impact as a result of the provisions in this section.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect the no fiscal impact assumed by CD for this section for fiscal note purposes.

§211.135 - When courts may order a child to appear in court

CD states §211.135 states the court, after considering all information provided by CD and input from the family support team, shall order the child to appear in court only if necessary to make a decision and after considering appropriateness of the courtroom environment for the child and the hardship to be endured by the child and current guardians in regards to the disruption in regular activities.

CD states that the language, "Nothing in this section shall be construed to interfere with the right of a child to attend a hearing," added to this version of the proposal addresses concerns previously made regarding Title IV-E funding and, therefore, this section has no impact on CD.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect the no fiscal impact assumed by CD for this section for fiscal note purposes.

In response to a previous version of the legislation, officials from the **DSS, Division of Legal Services (DLS)**, stated they were concerned the implementation of the proposal will result in a reduction in Missouri's compliance with some of the amendments to Title IV-E of the Social Security Act which could have increased their workload. They estimated the higher workload would result in required an additional 1 FTE. With the addition of new language in this proposal, DLS is not requesting additional FTE in response to this version of the legislation.

ASSUMPTION (continued)

Oversight does not have any information to the contrary. Therefore, Oversight will reflect the no fiscal impact assumed by DLS for fiscal note purposes.

§211.171 - Foster parent access to certain foster children records

CD states this section adds that if a foster parent alleges the court failed to allow the foster parent to be heard orally or by submission of correspondence at any hearing regarding a child in their care, the foster parent has the right to seek remedial writ relief.

This bill provides that no docket fee shall be required to be paid by the foster parent. This bill prohibits children's division from removing the child from placement with a foster parent based solely upon the foster parent's filing of a petition, unless removal is necessary to ensure the health and safety of the child.

The Children's Division does not anticipate a fiscal impact as a result of this section of the proposed legislation.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect the no fiscal impact assumed by CD for fiscal note purposes.

MHD states the Interstate Compact allows states to exchange information/payments for foster kids placed out of state. CD (MHD believes) is already paying a vendor for this service since a child could be placed in any state and the vendor works across the U.S. to distribute funds.

§431.056 - Modifies provisions relating to a minor's ability to contract for certain purposes

CD states §431.056 of this bill modifies provisions relating to a minor's ability to contract for certain purposes. It adds additional requirements relating to unaccompanied youth including:

Implied consent, in addition to the actions described in subparagraph a. of this paragraph, may also be demonstrated by a letter signed by the following persons verifying that the minor is an unaccompanied youth as defined in 42 U.S.C Section 11434a(6):

- (I) A director or designee of a governmental or nonprofit agency that receives public or private funding to provide services to homeless persons;
- (ii) A local education agency liaison for homeless children and youth designated under 42 U.S.C. Section 11432(g)(1)(J)(ii), or a school social worker or counselor; or
- (iii) A licensed attorney representing the minor in any legal matter.

ASSUMPTION (continued)

Subsection 4 is added and states that any legally-constituted entity or licensed provider who contracts with a minor under subsection 1 of this section shall be immune from any civil or criminal liability based on the entity's or provider's determination to contract with the minor; provided that, if an entity's or provider's determination of compliance with subsection 1 of this section, or conduct in contracting with the minor, is the result of the entity's or provider's gross negligence or willful or wanton acts or omissions, the entity or provider may be held liable for their gross negligence or willful or wanton acts or omissions. Consent given under this section shall not be subject to later disaffirmance by reason of the minor's age.

This will have no fiscal impact on the Children's Division.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect the no fiscal impact assumed by DSS divisions for this section for fiscal note purposes.

DMH states §431.056 adds 'mental health' care to the conditions under which a minor, age 16 or 17, may engage in a contract for certain services. This bill adds that any entity that engages in a contract with a minor is immune from civil or criminal liability under the conditions of the legislation. The anticipated fiscal impact to DMH for CPR, CSTAR, and DD waiver services are included in the DSS estimate.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect the no fiscal impact assumed by DMH for this section for fiscal note purposes.

§453.121 - Identifying information

CD states this section adds: "Notwithstanding any provision of law, all information, including identifying information, shall be released to an adopted adult if the adopted adult's biological parent lost his or her parental rights through a nonconsensual termination of parental rights proceeding."

This will have no fiscal impact on the Children's Division.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect the no fiscal impact assumed by CD for fiscal note purposes.

Section 1 - Waiver of the Institutions for Mental Disease Exclusion

Officials from **DSS** state this section states DSS may seek a waiver of the Institution for Mental Disease exclusion for the comprehensive substance treatment and rehabilitation program as administered by DMH.

ASSUMPTION (continued)

MO HealthNet defers to DMH for fiscal Impact.

Oversight notes DSS, MO HealthNet's deferral to DMH for a statement of fiscal impact; for fiscal note purposes, Oversight assumes no fiscal impact for DSS.

Officials from **DMH** state, assuming use of the providers currently contracted with the Department of Mental Health, then the fiscal impact would be cost neutral.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect the no fiscal impact assumed by DMH for fiscal note purposes.

Responses regarding the proposed legislation as a whole

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

Oversight notes OSCA is currently unable to quantify the fiscal impact, if any, to their organization. Oversight assumes OSCA will be able to absorb any costs from this proposal and they will request any necessary funding in future budget requests. Therefore, Oversight will reflect a zero impact in the fiscal note for this organization.

Officials from Office of Prosecution Services (OPS) state they anticipate to measurable fiscal impact to their organization.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect the no fiscal impact assumed by OPS for fiscal note purposes.

In response to previous version of this legislation, officials from the **Hume R-VIII Schools** responded, but did not provide a statement of fiscal impact. Therefore, **Oversight** will assume no fiscal impact for the Hume R-VIII Schools for fiscal note purposes.

Officials from the **Joint Committee on Administrative Rules (JCAR)** state the legislation is not anticipated to cause a fiscal impact to JCAR beyond its current appropriation.

Oversight assumes JCAR will be able to administer any rules resulting from this proposal with existing resources.

ASSUMPTION (continued)

Officials from the **Office of the Secretary of State (SOS)** assume many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$5,000. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with the core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could require additional resources.

Oversight notes the **Attorney General's Office**, the **Department of Commerce and Insurance**, the **Department of Corrections**, the **Department of Elementary and Secondary Education**, the **Department of Higher Education and Workforce Development**, the **Department of Public Safety, Division of Fire Safety and Missouri State Highway Patrol**, the **Department of Revenue**, the **Governor's Office**, the **Missouri House of Representatives**, the **Missouri Senate**, the **Office of Administration**, **Office of Child Advocate**, the **Office of Prosecution Services**, the **State Public Defender's Office**, the **State Treasurer's Office** and the **Wellsville-Middletown R-1 School District** have stated the proposal would not have a direct fiscal impact on their organizations. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these organizations.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other counties, sheriffs, hospitals, schools and local public health agencies were requested to respond to this proposed legislation but did not. A general listing of political subdivisions included in our database is available upon request.

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
GENERAL REVENUE FUND			
<u>Transfer-out - DHSS (§193.265) Transfer to MOPHS for maintenance of MoEVR to replace fees lost due to free birth certificates pp. 3-5</u>	\$0 to (\$13,388)	\$0 to (\$16,065)	\$0 to (\$16,065)
<u>Costs - DSS/MHD (§208.151) Program distributions for homeless youth pp. 7-8</u>	(\$176,161)	(\$222,174)	(\$233,505)
<u>Costs - OA, ITSD (§208.151) pp. 8-9</u>			
MEDES system changes	(\$71,604)	\$0	\$0
DYS system changes	(\$5,207)	\$0	\$0
Total <u>Costs - OA, ITSD</u>	<u>(\$76,811)</u>	<u>\$0</u>	<u>\$0</u>
<u>Costs - OA, ITSD/DSS (§§210.112; 210.123 and 210.145) FACES system changes p. 11</u>	(\$103,626)	\$0	\$0
<u>Costs - OA, ITSD/DSS (§210.201) FAMIS system updates p. 14</u>	(\$11,594)	\$0	\$0
<u>Loss - DHSS (§193.265) Reduction in birth certificate fee revenue pp. 3-5</u>	<u>\$0 to (\$10,711)</u>	<u>\$0 to (\$12,853)</u>	<u>\$0 to (\$12,853)</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(\$368,192 to \$392,291)</u>	<u>(\$222,174 to \$251,092)</u>	<u>(\$233,505 to \$262,423)</u>

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
MISSOURI PUBLIC HEALTH SERVICE FUND (0298)			
<u>Transfer-in</u> - DHSS (§193.265) Transfer-in from General Revenue for maintenance of MoEVR to replace fees lost due to free birth certificates pp. 3-5	\$0 to \$13,389	\$0 to \$16,066	\$0 to \$16,066
<u>Loss</u> - DHSS (§193.265) Reduction in birth certificate fee revenue pp. 3-5	<u>\$0 to (\$13,389)</u>	<u>\$0 to (\$16,066)</u>	<u>\$0 to (\$16,066)</u>
ESTIMATED NET EFFECT ON THE MISSOURI PUBLIC HEALTH SERVICES FUND	<u>\$0 to (\$13,389)</u>	<u>\$0 to (\$16,066)</u>	<u>\$0 to (\$16,066)</u>
 ENDOWED CARE CEMETERY AUDIT FUND (0562)			
<u>Loss</u> - DHSS (§193.265) Reduction in birth certificate fee revenue pp. 3-5	<u>\$0 to (\$2,678)</u>	<u>\$0 to (\$3,213)</u>	<u>\$0 to (\$3,213)</u>
ESTIMATED NET EFFECT ON THE ENDOWED CARE CEMETERY AUDIT FUND	<u>\$0 to (\$2,678)</u>	<u>\$0 to (\$3,213)</u>	<u>\$0 to (\$3,213)</u>
 CHILDREN'S TRUST FUND (0694)			
<u>Loss</u> - DHSS (§193.265) Reduction in birth certificate fee revenue pp. 3-5	<u>\$0 to (\$13,389)</u>	<u>\$0 to (\$16,066)</u>	<u>\$0 to (\$16,066)</u>
ESTIMATED NET EFFECT ON THE CHILDREN'S TRUST FUND	<u>\$0 to (\$13,389)</u>	<u>\$0 to (\$16,066)</u>	<u>\$0 to (\$16,066)</u>

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
FEDERAL FUNDS			
<u>Income</u> - DSS/MHD (§208.151)			
Reimbursement for program distributions for homeless youth pp. 7-8	\$329,076	\$415,031	\$436,198
<u>Income</u> - OA, ITSD (§208.151)			
Reimbursement for MEDES and DYS system updates pp. 8-9	\$230,433	\$0	\$0
<u>Income</u> - OA, ITSD/DSS (§§210.112; 210.123 and 210.145) FACES system changes p. 11			
	\$310,878	\$0	\$0
<u>Income</u> - OA, ITSD/DSS (§210.201)			
FAMIS system updates p. 14	\$34,781	\$0	\$0
<u>Costs</u> - DSS/MHD (§208.151) Program distributions for homeless youth pp. 7-8			
	(\$329,076)	(\$415,031)	(\$436,198)
<u>Costs</u> - OA, ITSD (§208.151) pp. 8-9			
MEDES system changes	(\$214,812)	\$0	\$0
DYS system changes	(\$15,621)	<u>\$0</u>	<u>\$0</u>
Total <u>Costs</u> - OA, ITSD	<u>(\$230,433)</u>	<u>\$0</u>	<u>\$0</u>
<u>Costs</u> - OA, ITSD/DSS (§§210.112; 210.123 and 210.145) FACES system changes p. 11			
	(\$310,878)	\$0	\$0
<u>Costs</u> - OA, ITSD/DSS (§210.201)			
FAMIS system updates p. 14	<u>(\$34,781)</u>	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON FEDERAL FUNDS	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

Direct fiscal impact to child care facilities may be expected as a result of this proposal.

FISCAL DESCRIPTION

PROTECTION OF FOSTER CHILDREN

This bill requires Children's Division within the Department of Social Services to complete a standard risk assessment within 72 hours of a report of abuse or neglect as part of its structured decision-making protocols for responding to abuse and neglect. The division and the Office of the State Court Administrator shall develop a joint safety assessment tool before December 31, 2020 to replace the current risk assessment. The safety assessment tool must be implemented before January 1, 2022.

The bill also prohibits the division from requiring foster parents to conduct or be present for supervised visits with a child in their care and states that the court shall only require a child to appear in court if necessary for making a decision and after considering all of the information provided by the division and family support team and the appropriateness of the courtroom environment and the hardship to the child and current guardians.

However, the bill also clarifies that according to the foster care bill of rights, a child maintains a right to attend any hearing (§§210.145; 210.566 and 211.135, RSMo).

HOMELESS YOUTH

A homeless child or youth or an unaccompanied youth, or their parent or guardian, shall not be charged a fee for copies of birth records for the child or youth. An unaccompanied youth shall not be required to have the consent or signature of his or her parent or guardian for a copy of his or her own birth record. Only one birth certificate under this provision shall be provided at no cost and additional certificates shall be provided upon payment of the statutory fee. Additionally, any homeless child or homeless youth shall be eligible for MO HealthNet benefits, subject to federal approval of a state plan amendment.

FISCAL DESCRIPTION (continued)

Finally, a minor's ability to contract shall include obtaining mental health services if he or she meets certain qualifications specified in current law. Status as an unaccompanied youth may be demonstrated by a letter verifying the minor is an unaccompanied youth signed by:

- (1) A director or designee of a governmental or nonprofit agency that receives public or private funding to provide services to homeless persons;
- (2) A local education agency liaison for homeless children or youth designated under federal law or a school social worker or counselor; or
- (3) A licensed attorney representing the minor in any legal matter (§§193.265, 208.151, and 431.056).

Any entity or licensed provider who contracts with a minor under this bill shall be immune from any civil or criminal liability based on the entity's or provider's determination to contract with the minor, unless the entity's or provider's determination is the result of the entity's or provider's negligence or willful or wanton acts or omissions.

CHILD CARE FACILITY DEFINITIONS AND BACKGROUND CHECKS

This bill provides new definitions of "child care", "child care facility", and "child care provider". Specifically, this bill defines "child care" for the purpose of child care facility licensure as the care of a child away from his or her own home for any part of the 24-hour day for compensation or otherwise. "Child care" is a voluntary supplement to parental responsibility for the child's protection, development, and supervision. A "child-care facility" shall be a house or other place conducted or maintained by any person who advertises or holds himself or herself out as providing child care for more than six children or for more than three children under two years of age, for any part of the 24-hour day, for compensation or otherwise.

It also provides definitions for "Montessori school", "neighborhood youth development program", "nursery school", "person", "school system", and "summer camp" and clarifies other conditions and requirements related to defining what entities need to be licensed to provide child care. This bill removes the requirement to renew licenses every two years and updates the requirements for background checks to agree with the change in raising the age for certification as an adult in the commission of a crime to age 18, updates the list of crimes that makes a person ineligible to be a child care provider, and clarifies the procedures and designated department to oversee the background check process for licensed, licensed-exempt and unlicensed facilities. Finally, the bill also updates the appeal process for a person denied a license based on the results of a background check (§§210.025; 210.201; 210.211; 210.221; 210.252; 210.254 and 210.1080).

FISCAL DESCRIPTION (continued)

CHILD PROTECTION FOR MILITARY FAMILIES

This bill requires the Children's Division within the Department of Social Services upon receipt of a report of child abuse to attempt to ascertain whether or not the suspected perpetrator is a member of the military, and the Children's Division must report its findings to the most relevant program authorized by the Department of Defense or the most relevant person authorized by the Department of Defense (§§210.109 and 210.150).

FOSTER CARE REFORM

These sections elaborate on the principles guiding the child protection system to prioritize home and community-based services and supports and successful outcomes. To that end, it requires creation of a response and evaluation team that will review and evaluate the practice of the division and any contractors. This system will be used to support contract development, placement and referrals, and enhanced payments.

The bill also creates "temporary alternative placement agreements" that allow voluntary placement of a child with a relative in cases where a parent is temporarily unable to care for a child, but removal from the home, through court action is not appropriate.

The bill establishes protections from civil liability for employees of state-funded child assessment centers. Any adult whose parents have had their parental rights terminated through a nonconsensual termination of parental rights proceeding shall have access to their complete records, including all identifying information (§§210.112, 210.123, 210.135, and 453.121).

FOSTER PARENT RIGHTS

This bill modifies the "Foster Parents' Bill of Rights" to require the Children's Division and its contractors to provide written notification of these rights at the time the child is placed with a prospective foster parent, even if the parent has yet to be licensed as a foster parent. Additionally, the Division and its contractors shall provide full access to the child's medical, psychological, and psychiatric records, including records prior to the child coming into care, at the time the child is placed with a foster parent. Access shall include providing information and authorization for foster parents to review or to obtain the records directly from the service provider. If a foster parent alleges a court failed to allow the foster parent to be heard orally or in writing in a court hearing involving a child in his or her care, the foster parent may seek remedial writ relief pursuant to Missouri Supreme Court Rules 84, 94, and 97. No docket fee shall be required to be paid by the foster parent. The Division shall not remove a child from placement

FISCAL DESCRIPTION (continued)

with the foster parent based solely upon the foster parent's filing of a petition for a remedial writ or while the writ is pending, unless removal is necessary for the health and safety of the child (§§210.566 and 211.171).

SUBSTANCE ABUSE TREATMENT WAIVER

This provision allows the Department of Social Services to seek a waiver of the Institutions for Mental Disease (IMD) exclusion for the comprehensive substance abuse treatment and rehabilitation program as administered by the Department of Mental Health. Operating through a global pandemic disclosed a need for additional flexibility in administering this program in accordance with federal requirements (Section 1).

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements. It would not require additional rental space.

SOURCES OF INFORMATION

Attorney General's Office

Department of Commerce and Insurance

Department of Elementary and Secondary Education

Department of Higher Education and Workforce Development

Department of Health and Senior Services

Department of Mental Health

Department of Corrections

Department of Revenue

Department of Public Safety - Fire Safety

- Missouri Highway Patrol

Department of Social Services

Governor's Office

Joint Committee on Administrative Rules

Missouri House of Representatives

Office of Prosecution Services

Office of Administration - Division of Budget and Planning

- Office of Child Advocate

Office of State Courts Administrator

Missouri Senate

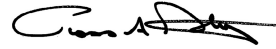
Office of Secretary of State

SOURCES OF INFORMATION (continued)

State Public Defender's Office
State Treasure's Office
Hume R-VIII School District
Wellsville-Middletown R-1 School District
Columbia/Boone County Department of Public Health and Human Services



Julie Morff
Director
June 3, 2020



Ross Strobe
Assistant Director
June 3, 2020