

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5481S.02I
Bill No.: SB 1216
Subject: Children and Minors; Children's Division; Courts, Juvenile; Family Law;
Department of Social Services
Type: Original
Date: April 26, 2022

Bill Summary: This proposal modifies provisions relating to child protection.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
General Revenue*	(\$3,694) to (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
Total Estimated Net Effect on General Revenue	(\$3,694) to (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)

* Oversight assumes DSS may incur increased legal costs for appointed counsel, but that such costs would not reach the \$250,000 threshold annually.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Federal*	\$0	\$0	\$0
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

* Income and expenses are estimated at \$3,700 in FY 2023 exclusively and net to \$0.

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Total Estimated Net Effect on FTE	0	0	0

- ☐ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- ☐ Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§§210.146; 210.183; 211.035 and 211.039 - Provisions relating to child protection

Officials from the **Department of Social Services (DSS)** assume the proposal will have no fiscal impact on their organization. DSS defers to the Office of Administration (OA), Information Technology Services Division (ITSD)/DSS for the fiscal impact of necessary system changes.

Oversight notes DSS's deferral to OA, ITSD/DSS for a statement of fiscal impact for system changes.

Oversight notes §211.462.4, "Appointment of guardian ad litem, when — rights of parent or guardian — county to pay court costs, exceptions", states, "Court costs shall be paid by the county in which the proceeding is instituted, except that the court may require the agency or person having or receiving legal or actual custody to pay the costs."

In discussions with DSS, **Oversight** learned that guardian ad litem (GAL) costs are often paid by DSS. However, DSS officials cannot predict how a court may rule regarding the responsible party for court costs. Although DSS tracks their legal expenses related to the children in their care, they do not track whether or not the costs regard terminating parental rights, establishing adoption, or the GAL costs for the child to be represented. DSS assumes the provisions of the proposal will result in opportunities for better communication that would reduce the GAL costs and result in no fiscal impact.

Oversight assumes DSS may incur increased legal costs for appointed counsel, but that such costs will not reach \$250,000 annually. Therefore, Oversight will reflect an impact to DSS of "\$0 or (Unknown)" costs annually for fiscal note purposes.

Officials from **OA, ITSD/DSS** state updates to the Family and Children Electronic System (FACES) would be required. OA, ITSD/DSS assumes the letter generation process will need to change so that the Alleged Perpetrator would receive a different letter if the call is determined to be Preponderance of Evidence.

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 FACES are estimated at \$95/hour. It is assumed the necessary modifications will require 77.76 hours for a cost of \$7,388 (77.76 * \$95), split 50% GR; 50% Federal.

Therefore, the total FACES upgrades will cost \$7,388 (\$3,694 GR; \$3,694 Federal) in FY 23 exclusively.

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 **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 does not have any information to the contrary. Therefore, Oversight assumes the OSCA will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the OSCA for fiscal note purposes. Oversight also assumes OSCA may seek additional appropriations if the proposal results in a significant increase in costs.

Officials from the **University of Missouri Health Care (MUHC)** state no substantive fiscal impact is expected from this proposal.

Oversight assumes the costs incurred by the MUHC related to this proposal can be absorbed within current resource levels.

Officials from the **Department of Health and Senior Services**, the **Department of Public Safety**, **Missouri Highway Patrol**, the **Missouri Office of Prosecution Services**, the **Office of Administration (OA)**, the **(OA) Administrative Hearing Commission**, the **Office of the State Public Defender**, the **Hermann Area Hospital District**, the **Kansas City Police Department**, the **Phelps County Sheriff's Department** and the **St. Louis County Police Department** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Oversight only reflects the responses received from state agencies and political subdivisions; however, other circuit clerks, sheriff's departments, police departments and hospitals were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025
GENERAL REVENUE			
<u>Costs – DSS ((§§210.146; 210.183; 211.035 and 211.039) Appointed legal counsel for certain persons</u>	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<u>Costs - OA, ITSD/DSS (§§210.146; 210.183; 211.035 and 211.039) System changes to FACES p. 3</u>	(\$3,694)	\$0	\$0
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>(\$3,694) to (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>
FEDERAL FUNDS			
<u>Income - OA, ITSD/DSS (§§210.146; 210.183; 211.035 and 211.039) Program reimbursements for FACES changes p. 3</u>	\$3,694	\$0	\$0
<u>Costs - OA, ITSD/DSS (§§210.146; 210.183; 211.035 and 211.039) System changes to FACES p. 3</u>	(\$3,694)	\$0	\$0
ESTIMATED NET EFFECT ON FEDERAL FUNDS	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025
	<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

Current law requires the Children's Division to make an immediate referral to the juvenile officer when a SAFE CARE provider makes a diagnosis that a child 3 years of age or younger has been subjected to physical abuse. Under this act, the Division shall not be required to make a recommendation for protective custody when making the referral under this provision, particularly when the perpetrator or cause of the injury leading to the diagnosis of child abuse or neglect is unknown (§210.146).

Under current law, the Division shall provide an alleged perpetrator of child abuse or neglect with a written description of the investigation process, including notice at the termination of an investigation that the Division has found insufficient evidence of abuse or neglect or that evidence shows the existence of abuse or neglect and the alleged perpetrator shall be contacted for further services. This act requires such notice about insufficient evidence to contain language specifying that the investigation will be ended, the case closed, and no further services offered (§210.183).

When a child is taken into custody by a juvenile officer or law enforcement official for child abuse or neglect, this act requires the parent, guardian, or custodian of the child to be given adequate notice of the allegations contained in the petition for removal in advance of a court hearing so that they may have a reasonable opportunity for preparation (§211.035).

Under this act, a parent, guardian, or custodian of the child shall be entitled to counsel at all hearings relating to removal and if the parent, guardian, or custodian is financially unable to employ counsel, the court shall appoint counsel as soon as practicable prior to the first hearing relating to protective custody or removal (§211.035).

By January 1, 2023, the Office of State Courts Administrator, in cooperation with the Division, shall develop and make available a handbook for parents, guardians, and custodians of children removed and placed under the jurisdiction of the juvenile court for allegations of child abuse or neglect, as specified in the act. The handbook shall be made available online through the courts and the Division and printed copies shall be made available to parents, guardians, and custodians upon service of summons and at every hearing involving the child, as needed (§211.039).

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 Health and Senior Services
Department of Public Safety - Missouri Highway Patrol
Department of Social Services
Missouri Office of Prosecution Services
Office of Administration - Administrative Hearing Commission

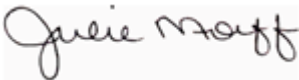
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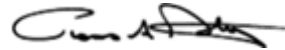
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Office of the State Courts Administrator
Office of the State Public Defender
Hermann Area Hospital District
Kansas City Police Department
Phelps County Sheriff's Department
St. Louis County Police Department
University of Missouri System

A handwritten signature in cursive script, reading "Julie Morff".

Julie Morff
Director
April 26, 2022

A handwritten signature in cursive script, reading "Ross Strobe".

Ross Strobe
Assistant Director
April 26, 2022