

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0041S.01I  
 Bill No.: SB 375  
 Subject: Children and Minors; Children's Division; Courts, Juvenile; Department of Social Services; Family Law  
 Type: Original  
 Date: March 7, 2023

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

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
General Revenue*	Up to (\$3,694)	Up to (\$757)	Up to (\$776)
<b>Total Estimated Net Effect on General Revenue</b>	<b>Up to (\$3,694)</b>	<b>Up to (\$757)</b>	<b>Up to (\$776)</b>

\*Range is based on the Federal match for system updates if they meet the Federal requirements.

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
<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.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>
Federal*	\$0	\$0	\$0
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

\* Income and expenses are estimated at \$3,700 in FY 2024 and \$700 in FY 2025 and ongoing and net to \$0.

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

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.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## 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), Children's Division (CD)** state CD anticipates a cost for the handbook required by the legislation. This cost is expected to be absorbed using existing resources. 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** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for DSS, CD.

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), in FY 2024. Ongoing costs are estimated at \$1,514 in FY 2025 and \$1,552 in FY 2026. The costs will be split **up to 50% GR; 50% Federal** if federal requirements are met.

Therefore, the total FACES upgrades will cost \$7,388 (up to \$3,694 GR; up to \$3,694 Federal) in FY 2024, \$1,514 (up to \$757 GR; up to \$757 Federal) in FY 2025 and \$1,552 (up to \$776 GR; up to \$776 Federal) in FY 2026.

**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 **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 **Office of the State Public Defender**, the **Branson Police Department**, the **Kansas City Police Department**, the **Phelps County Sheriff’s Department**, the **St. Joseph Police 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.

In response to similar legislation from the 2022 Session (SB 1216), the **(OA) Administrative Hearing Commission** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this agency.

**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 2024 (10 Mo.)	FY 2025	FY 2026
<b>GENERAL REVENUE</b>			
Costs - OA, ITSD/DSS (§§210.146; 210.183; 211.035 and 211.039) System changes to FACES p. 3	<u>Up to (\$3,694)</u>	<u>Up to (\$757)</u>	<u>Up to (\$776)</u>
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<u><b>Up to (\$3,694)</b></u>	<u><b>Up to (\$757)</b></u>	<u><b>Up to (\$776)</b></u>
<b>FEDERAL FUNDS</b>			
Income - OA, ITSD/DSS Program reimbursements for FACES p. 3	Up to \$3,694	Up to \$757	Up to \$776
Costs - OA, ITSD/DSS (§§210.146; 210.183; 211.035 and 211.039) System changes to FACES p. 3	<u>Up to (\$3,694)</u>	<u>Up to (\$757)</u>	<u>Up to (776)</u>
<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>	<u><b>\$0</b></u>	<u><b>\$0</b></u>	<u><b>\$0</b></u>

<u>FISCAL IMPACT – Local Government</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026
	<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, 2024, 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

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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 Social Services

Missouri Office of Prosecution Services

Office of Administration - Administrative Hearing Commission

Office of the State Courts Administrator

Office of the State Public Defender

Branson Police Department

Kansas City Police Department

Phelps County Sheriff's Department

St. Joseph Police Department

St. Louis County Police Department



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March 7, 2023



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March 7, 2023