

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0088H.03C
 Bill No.: HCS for SS for SB 213
 Subject: Children and Minors; Domestic Relations; Family Law; Children's Division;
 Department of Social Services; Courts
 Type: Original
 Date: April 25, 2023

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

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
Total Estimated Net Effect on <u>Other State Funds</u>	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

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

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
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 2024	FY 2025	FY 2026
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§§190.600, 190.603, 190.606, 190.612 and 190.613 – Do-not-resuscitate orders for children

In response to similar legislation from this year, HCS for HB 594, officials from the **Department of Commerce and Insurance**, the **Department of Health and Senior Services**, the **Kansas City Police Department** and the **Cole Camp Ambulance District** each assumed 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 provisions from the current session (SB 228), officials from the **Office of the State Courts Administrator** assumed the proposal would have no fiscal impact on their organization.

§208.072 – Authorized representatives for minor or incapacitated MO HealthNet participants

In response to similar legislation from this year, HB 1288, officials from the **Department of Social Services**, the **Department of Health and Senior Services**, the **Department of Mental Health**, the **Kansas City Health Department** and the **St. Louis County Health Department** each assumed 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.

§210.493 - Background checks required of certain individuals

In response to similar legislation from this year, Perfected HB 81, officials from the **Department of Health and Senior Services**, the **Department of Social Services**, the **Office of Administration (OA)**, the **Office of the State Courts Administrator**, the **Branson Police Department**, the **Kansas City Police Department** and the **St. Joseph Police Department** each assumed 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 for this section.

§210.841 – Child Custody in Paternity Actions

In response to a previous version, officials from the **Office of the State Courts Administrator** 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.

In response to a previous version, officials from the **Department of Social Services (DSS)** 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.

§210.1360 - Disclosures of identifiable information regarding certain children

In response to similar legislation from this year, Perfected HB 1010, officials from the **Department of Elementary and Secondary Education**, the **Department of Social Services**, the **Department of Commerce and Insurance**, the **Department of Corrections**, the **Department of Health and Senior Services**, the **Department of Mental Health**, the **Department of Public Safety (Fire Safety)**, the **Missouri Department of Conservation**, the **Office of the State Courts Administrator**, the **Office of the State Public Defender** and the **Gordon Parks Elementary School** each assumed 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.

§211.221 – Child Placement

In response to similar legislation from this year, HB 1034, officials from the **Office of the State Courts Administrator**, the **Department of Labor and Industrial Relations** and the **Office of Administration** each assumed 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 a previous version, officials from the **Department of Social Services (DSS)** 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.

§452.375 - Provisions relating to child custody arrangements

Oversight will assume that the proposal will not have a direct fiscal impact on the state.

§§452.705, 452.730, 452.885, 452.1100, 452.1102, 452.1104, 452.1106, 452.1108, 452.1110, 452.1112, 452.1114, 452.1118, 452.1120, 452.1122, & 487.110 – Child Custody & the Uniform Child Abduction Prevention Act

In response to similar legislation from this year, Perfected HCS for HB 1058, officials from the **Department of Social Services** 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.

In response to similar legislation from this year, Perfected HCS for HB 1058, officials from the **Department of Elementary and Secondary Education**, the **Department of Mental Health**, the **Branson Police Department** and the **Kansas City Police Department** each assumed 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 notes the following cases filed and disposed over the past 5 years involving children in domestic relations:

<u>CASES FILED</u>						
	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>5yr. Avg</u>
Domestic Relations:						
Child Protection Extension/Modification	-	-	1	-	1	0
Child Protection Order	7,590	7,584	8,705	8,729	8,782	8,278
Dissolution of Marriage with Children	10,725	10,418	10,839	11,471	11,638	11,018
Registration of Foreign Judgment - Custody	115	112	110	123	90	110
TOTAL	18,430	18,114	19,655	20,323	20,511	19,407
Source: Tables 1 & 17 from OSCA's Annual Report Supplemental						

<u>CASES DISPOSED</u>						
	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>5yr. Avg</u>
Domestic Relations:						
Child Protection Extension/Modification	-	-	1	-	1	0
Child Protection Order	7,393	7,341	8,564	8,688	8,594	8,116
Contempt (Includes IV-D)	488	683	680	827	922	720
Dissolution of Marriage with Children	10,667	9,789	11,006	11,294	12,004	10,952
Registration of Foreign Judgment - Custody	114	115	106	121	92	110
TOTAL	18,662	17,928	20,357	20,930	21,613	19,898
Source: Tables 1 & 17 from OSCA's Annual Report Supplemental						

§568.050 – Endangering the welfare of a child in the second degree

In response to similar legislation from this year, HB 888, officials from the **Department of Corrections (DOC)** stated section 568.050 adds to the offense of endangering the welfare of a child in the second degree if he/she leaves a child under eight years of age unattended in a motor vehicle and the child suffers injuries or dies. It creates a new class A misdemeanor unless the offense is committed as part of an act or series of acts performed by two or more persons as part of an established or prescribed pattern of activity, in which case the offense is a class E felony.

Since misdemeanors fall outside of the purview of DOC, a class A misdemeanor does not have any impact for DOC.

As these are new crimes, there is little direct data on which to base an estimate, and as such, the department estimates an impact comparable to the creation of a new class E felony.

The offense of endangering the welfare of a child in the second degree is a class E felony. For each new nonviolent class E felony, the department estimates one person could be sentenced to prison and two to probation. The average sentence for a nonviolent class E felony offense is 3.4 years, of which 2.1 years will be served in prison with 1.4 years to first release. The remaining 1.3 years will be on parole. Probation sentences will be 3 years.

The cumulative impact on the department is estimated to be 2 additional offenders in prison and 7 additional offenders on field supervision by FY 2026.

Change in prison admissions and probation openings with legislation-Class E Felony (nonviolent)

	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	1	1	1	1	1	1	1	1	1	1
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	2	2	2	2	2	2	2	2	2	2
Change (After Legislation - Current Law)										
Admissions	1	1	1	1	1	1	1	1	1	1
Probations	2	2	2	2	2	2	2	2	2	2
Cumulative Populations										
Prison	1	2	2	2	2	2	2	2	2	2
Parole	0	0	1	1	1	1	1	1	1	1
Probation	2	4	6	6	6	6	6	6	6	6
Impact										
Prison Population	1	2	2	2	2	2	2	2	2	2
Field Population	2	4	7	7	7	7	7	7	7	7
Population Change	3	6	9							

	# to prison	Cost per year	Total Costs for prison	Change in probation & parole officers	Total cost for probation and parole	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	1	(\$9,499)	(\$7,916)	0	\$0	2	(\$7,916)
Year 2	2	(\$9,499)	(\$19,378)	0	\$0	4	(\$19,378)
Year 3	2	(\$9,499)	(\$19,766)	0	\$0	7	(\$19,766)
Year 4	2	(\$9,499)	(\$20,161)	0	\$0	7	(\$20,161)
Year 5	2	(\$9,499)	(\$20,564)	0	\$0	7	(\$20,564)
Year 6	2	(\$9,499)	(\$20,975)	0	\$0	7	(\$20,975)
Year 7	2	(\$9,499)	(\$21,395)	0	\$0	7	(\$21,395)
Year 8	2	(\$9,499)	(\$21,823)	0	\$0	7	(\$21,823)
Year 9	2	(\$9,499)	(\$22,259)	0	\$0	7	(\$22,259)
Year 10	2	(\$9,499)	(\$22,704)	0	\$0	7	(\$22,704)

If this impact statement has changed from statements submitted in previous years, it could be due to an increase/decrease in the number of offenders, a change in the cost per day for institutional offenders, and/or an increase in staff salaries.

If the projected impact of legislation is less than 1,500 offenders added to or subtracted from the department's institutional caseload, the marginal cost of incarceration will be utilized. This cost of incarceration is \$26.024 per day or an annual cost of \$9,499 per offender and includes such costs as medical, food, and operational E&E. However, if the projected impact of legislation is 1,500 or more offenders added or removed to the department's institutional caseload, the full cost of incarceration will be used, which includes fixed costs. This cost is \$87.46 per day or an annual cost of \$31,921 per offender and includes personal services, all institutional E&E, medical and mental health, fringe, and miscellaneous expenses. None of these costs include construction to increase institutional capacity.

DOC's cost of probation or parole is determined by the number of P&P Officer II positions that are needed to cover its caseload. The DOC average district caseload across the state is 51 offender cases per officer. An increase/decrease of 51 cases would result in a cost/cost avoidance equal to the salary, fringe, and equipment and expenses of one P&P Officer II. Increases/decreases smaller than 51 offender cases are assumed to be absorbable.

In instances where the proposed legislation would only affect a specific caseload, such as sex offenders, the DOC will use the average caseload figure for that specific type of offender to calculate cost increases/decreases.

Oversight assumes the likelihood of a person committing the class E felony offense as part of an established or prescribed pattern of activity would be less applicable after 1 occurrence and will therefore reflect a \$0 fiscal impact for this section of the proposal.

In response to similar legislation from this year, HB 888, officials from the **Office of the State Public Defender (SPD)** state the proposed legislation creates a new offense under section 568.050 which could result in additional cases eligible for SPD representation. The number of additional cases is unknown and as a result, the fiscal impact is unknown.

Oversight notes in FY22 the SPD was appropriated moneys for 53 additional FTE. Oversight assumes this proposal will create a minimal number of new cases and that the SPD can absorb the additional caseload required by this proposal with current staff and resources. Therefore, Oversight will reflect no fiscal impact to the SPD for fiscal note purposes. However, if multiple bills pass which require additional staffing and duties, the SPD may request funding through the appropriation process.

In response to similar legislation from this year, HB 888, officials from the **Department of Social Services** 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.

Officials from the **Office of the State Courts Administrator** did not respond to **Oversight's** request for fiscal impact for this proposal.

Responses regarding the proposed legislation as a whole

Officials from the **Attorney General's Office**, the **Office of Administration - Administrative Hearing Commission**, the **Department of Economic Development**, the **Department of Higher Education and Workforce Development**, the **Department of Natural Resources**, the **Department of Revenue**, the **Department of Public Safety (Division of Alcohol and Tobacco Control, Office of the Director, Missouri Highway Patrol, Missouri Veterans Commission, State Emergency Management Agency)**, the **Missouri Department of Agriculture**, the **Missouri Department of Transportation**, the **Missouri National Guard**, the **Newton County Health Department**, the **Phelps County Sheriff's Office**, the **St. Louis County Police Department**, the **Fruitland Area Fire Protection District**, the **Office of the State Auditor**, the **Joint Committee on Administrative Rules**, the **Missouri Lottery Commission** and the **Missouri Office of Prosecution Services** 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.

Officials from the **Office of the Secretary of State (SOS)** note 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 its 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 only reflects the responses received from state agencies and political subdivisions; however, other health departments, nursing homes, public administrators, local law enforcement, fire protection districts, ambulance districts, schools 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 (MOLIS) database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026
	<u>\$0</u>	<u>\$0</u>	<u>\$0</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

Small medical marijuana businesses could be impacted by this proposal. (\$210.493)

FISCAL DESCRIPTION

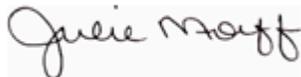
The proposed legislation appears to have no direct fiscal impact.

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

Office of the State Courts Administrator
 Department of Social Services
 Department of Labor and Industrial Relations
 Office of Administration
 Department of Commerce and Insurance
 Department of Health and Senior Services
 Phelps County Sheriff’s Department
 Kansas City Police Department
 St. Louis County Police Department
 Cole Camp Ambulance District
 Fruitland Area Fire Protection District
 Department of Mental Health
 Office of Administration - Administrative Hearing Commission
 Kansas City Health Department
 St. Louis County Health Department

Newton County Health Department
Department of Corrections
Department of Economic Development
Department of Elementary and Secondary Education
Department of Higher Education and Workforce Development
Department of Natural Resources
Department of Public Safety
 Division of Alcohol and Tobacco Control
 Director's Office
 Division of Fire Safety
 Missouri Highway Patrol
 Missouri Veterans Commission
 State Emergency Management Agency
Department of Revenue
Missouri Department of Agriculture
Missouri Department of Conservation
Missouri Office of Prosecution Services
Office of the State Public Defender
Gordon Parks Elementary School
Attorney General's Office
Missouri Department of Transportation
Missouri National Guard
Office of the State Auditor
Joint Committee on Administrative Rules
Missouri Lottery Commission
Office of the Secretary of State
Branson Police Department
St. Joseph Police Department



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