

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2844S.05P
 Bill No.: Perfected SS#2 for SB 862
 Subject: Children and Minors; Children's Division; Department of Social Services; Courts;
 Juvenile Courts; Drugs and Controlled Substances; Family Law; Domestic
 Relations
 Type: Original
 Date: March 27, 2024

Bill Summary: This proposal modifies provisions relating to the care of a child.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
General	Unknown, up to (\$6,566,982)	Unknown, up to (\$6,566,982)	Unknown, up to (\$6,566,982)
Total Estimated Net Effect on General Revenue	Unknown, up to (\$6,566,982)	Unknown, up to (\$6,566,982)	Unknown, up to (\$6,566,982)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
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 2025	FY 2026	FY 2027
Federal*	\$0	\$0	\$0
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

* Income and expenses are estimated to be “Unknown, up to \$2.7 million annually and net to \$0.

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
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 2025	FY 2026	FY 2027
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§210.560 - Money held by the Children's Division for the benefit of a child

In response to a previous version, officials from the **Department of Social Services (DSS), Children's Division (CD)** stated this bill requires CD to determine whether a child coming into the custody of the Division is eligible for or receiving U.S. Railroad Retirement Board, Social Security, or Veterans Administration benefits within 60 days of entering the Division's legal custody.

The Division is required to apply for such benefits on the child's behalf if he or she is eligible, and shall only serve as a representative payee if no other candidate is suitable.

CD is required to annually review cases of children in the division's custody to determine whether a child may have become eligible for benefits after the division's initial assessment.

Currently, money in the child's accounts may be used by CD to pay for care or services for the child.

Under this act, such money shall not be used to pay for care or services for the child. However, U.S. Railroad Retirement Board, Social Security, or Veterans Administration benefits may be used by the Division for the child's unmet needs beyond what the Division is otherwise obligated to pay.

Finally, the accounts in which the child's benefits shall be placed shall be established in a manner consistent with federal and state asset and resource limits.

Research on August 2, 2023 for month of July 2023 showed the following:

- 676 youth in foster care receive Supplemental Security Income (SSI);
- 663 youth in care receive Old-Age, Survivors and Disability Insurance (OASDI); and
- 87 youth in care receive both types of benefit

Currently, KIDS accounts (money held by others for benefit of a child) include both SSI and OASDI benefit types. In FY 2023, CD had expenditures in the amount of \$9,338,712 using KIDS accounts on foster care maintenance and services for the child. These funds would need to be replaced to pay for the care of the child. Some of the costs could be eligible for federal match from other programs such as Title IV-E and TANF. The expected federal match rate overall is 29.68%. The impact due to the loss of these revenues based on the current earnings rate would be as follows:

\$6,566,982 GR
+\$2,771,730 Federal
\$9,338,712 Total

However, over the past three years, the revenues and expenditures from the Social Security and KIDS Account has decreased. With the emphasis of placing youth with relatives, DSS would expect this to continue to decrease. Additionally, the Department's federal earning rate of 29.68% could increase with the decrease of SSI and OASDI benefits.

Therefore, for the impact of reduction of SSI and OASDI revenues, the Department is projecting **unknown but up to \$9,338,712.**

Children's Division can set up ABLE (Achieving a Better Life Experience) accounts for children in care, when CD is the payee. However, the Children's Division does not have staff in place to supervise the continuing management of these accounts when they leave CD custody. Therefore additional resources would be needed to establish accounts where CD is not the payee and to manage the ABLE accounts.

The bill, as drafted, requires CD to annually review cases of kids in care to determine if they are eligible for benefits, and to apply for benefits on behalf of the child if CD determines that the child is eligible. The Department of Social Services and the Children's Division do not have sufficient staff and resources to implement the statute as written. DSS has determined that it would need to enter into contracts with qualified lawyers and/or companies to effectively implement this proposed statute.

There are lawyers and private companies that handle these types of cases on behalf of children and adults. They have the training, experience and staff to handle these cases. If the program is structured properly they will also be able to ensure that there is continuity of assistance and representation if the child is discharged from CD custody or ages out of the system. Therefore, DSS would need to enter into contracts to administer this program.

The Division does not know yet how this contract would be structured. Therefore, the cost to implement is unknown.

Since the estimate of lost revenues is most likely high, and the cost to implement is unknown, the Department is providing an impact of unknown, but cost could be up to \$9,338,712 (\$6,566,982 GR, \$2,771,730 Federal), which is the highest amount of estimated potential lost revenues.

Oversight does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by the DSS, CD.

Officials from the **Department of Revenue (DOR)** state the proposal allows the DSS Children's Division to apply for certain benefits (e.g. Social Security) on behalf of a child, and requires the

Division to annually review eligibility for such benefits. The proposal newly prohibits the Division from expending money it receives in the name of the child for the care or services for the child, except that the Division can use the earlier-mentioned certain benefits (e.g. Social Security) for the child's unmet needs beyond what the Division is required or agrees to pay. The proposal clarifies the financial account established by the Division for a child may include an ABLÉ account, among other accounts. No direct impact on DOR.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for DOR.

In response to a previous version, officials from the **Office of Administration - Budget and Planning** deferred to DSS for the potential fiscal impact of this proposal.

In response to a previous version, officials from the **Office of the State Courts Administrator** and the **Henry County R-1 School District** each assumed the proposal would 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.

§210.841 - Child Custody in Paternity Actions

In response to similar legislation from the current session (SB 878), officials from the **Office of the State Courts Administrator** assumed the proposal would 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.

§§211.038 and 487.200 – Medication-Assisted Treatments and Child Placement

In response to similar legislation from the current session (SB 863), officials from the **Office of the State Courts Administrator** assumed the proposal would 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.

§211.221 - Child placing agencies to consider religious faith when placing a child

In response to similar legislation from the current session (SB 1133), officials from the **Office of State Courts Administrator** stated the proposal would not have a direct 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.

§452.375- Child Custody Arrangements

In response to similar legislation from the current session (SCS for SB Nos. 744 & 1026), officials from the **Office of the State Courts Administrator** assumed the proposal would 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.

Responses regarding the proposed underlying legislation as a whole

In response to a previous version, officials from the **Department of Labor and Industrial Relations**, the **Office of Administration**, the **Office of the State Public Defender**, the **Missouri State University**, the **Northwest Missouri State University** and the **University Of Central Missouri** 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.

Responses regarding the proposed legislation as a whole as amended

Officials from the **Administrative Hearing Commission**, the **Department of Elementary and Secondary Education**, the **Department of Health and Senior Services**, the **Department of Higher Education and Workforce Development**, the **Missouri Office of Prosecution Services** and the **Office of the State Treasurer** 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 **Attorney General's Office** did not respond to **Oversight's** request for fiscal impact for this proposal.

Oversight only reflects the responses received from state agencies and political subdivisions; however, other circuit clerks, public administrators, schools, colleges and universities 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 2025 (10 Mo.)	FY 2026	FY 2027
GENERAL REVENUE FUND			
<u>Costs – DSS, CD (§210.560)</u> Administrative costs for Program Implementation p. 3-4	(Unknown)	(Unknown)	(Unknown)
<u>Losses - DSS, CD (§210.560)</u> Reduction of SSI and OASDI revenues p. 3-4	Up to (\$6,566,982)	Up to (\$6,566,982)	Up to (\$6,566,982)
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>Unknown, up to (\$6,566,982)</u>	<u>Unknown, up to (\$6,566,982)</u>	<u>Unknown, up to (\$6,566,982)</u>
FEDERAL FUNDS			
<u>Costs – DSS, CD (§210.560)</u> Reimbursement for Program Implementation p. 3-4	Unknown	Unknown	Unknown
<u>Savings - DSS, CD (§210.560)</u> Reduction of SSI and OASDI disbursements p. 3-4	Up to \$2,771,730	Up to \$2,771,730	Up to \$2,771,730
<u>Costs – DSS, CD (§210.560)</u> Administrative costs for Program Implementation p. 3-4	(Unknown)	(Unknown)	(Unknown)
<u>Losses - DSS, CD (§210.560)</u> Reduction of SSI and OASDI revenues p. 3-4	Up to (\$2,771,730)	Up to (\$2,771,730)	Up to (\$2,771,730)
ESTIMATED NET EFFECT ON FEDERAL FUNDS	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
	<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

Under this act, the Children's Division shall determine whether a child coming into the custody of the Division is eligible for or receiving U.S. Railroad Retirement Board, Social Security, or Veterans Administration benefits within 60 days of entering the Division's legal custody. The Division shall apply for such benefits on the child's behalf if he or she is eligible, and shall only serve as a representative payee if no other candidate is suitable.

Currently, money in the child's accounts may be used by the Children's Division to pay for care or services for the child. Under this act, such money shall not be used to pay for care or services for the child. However, U.S. Railroad Retirement Board, Social Security, or Veterans Administration benefits may be used by the Division for the child's unmet needs beyond what the Division is otherwise obligated to pay.

Finally, the accounts in which the child's benefits shall be placed shall be established in a manner consistent with federal and state asset and resource limits. (§210.560)

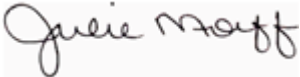
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION


- Administrative Hearing Commission
- Budget and Planning
- Department of Elementary and Secondary Education
- Department of Health and Senior Services
- Department of Higher Education and Workforce Development
- Department of Labor and Industrial Relations
- Department of Revenue
- Department of Social Services
- Missouri Office of Prosecution Services
- Office of Administration
- Office of the State Courts Administrator

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Office of the State Public Defender
Office of the State Treasurer
Henry County R-1 School District
Missouri State University
Northwest Missouri State University
University Of Central Missouri



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March 27, 2024



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