

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4449S.02C
 Bill No.: SCS for SB 801
 Subject: Children and Minors; Children's Division; Department of Social Services; Courts;
 Courts, Juvenile; Family Law; Domestic Relations; Attorneys
 Type: Original
 Date: March 5, 2024

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

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
General Revenue*	(Unknown)	(Unknown)	(Unknown)
Total Estimated Net Effect on General Revenue	(Unknown)	(Unknown)	(Unknown)

*Oversight assumes the appropriation to the new Child’s Representative Fund could reach/exceed the \$250,000 threshold.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
Child’s Representative Fund*	\$0	\$0	\$0
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

*Income and Appropriations less cost net to zero.

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

Oversight was unable to receive some of the agency responses in a timely manner due to the short fiscal note request time. Oversight has presented this fiscal note on the best current information that we have or on prior year information regarding a similar bill. Upon the receipt of agency responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval to publish a new fiscal note.

§§193.265, 210.145, 210.160, 210.560, 210.565, 210.762, 210.795, 210.830, 211.032, 211.171, 211.211, 211.261, 211.355, 211.462, 452.423 & 452.785 – Child Protection

Oversight assumes no fiscal impact for these sections of the proposal.

§477.700 – Office of the Child’s Representative

Oversight notes §477.700 creates the “Office of the Child’s Representative” within the Missouri Supreme Court. The Child's Representative Board, consisting of nine members appointed by the Supreme Court as specified in the act, shall appoint an executive director and work with the director govern the Office. The Office shall have the responsibility to collaborate with the various judicial circuits, judges, and attorneys to ensure uniform, high-quality legal representation to children, including children's counsel and guardian ad litem. The Child’s Representative Fund is also created in the State Treasury to fund the work of this office.

Oversight has presented this fiscal note on the best current information that we have or on prior year information regarding a similar bill. Upon the receipt of a response from the Office of the State Courts Administrator, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval to publish a new fiscal note. Oversight will, therefore, reflect unknown income and appropriations less unknown cost that will net to zero in the Child’s Representative Fund.

Responses regarding the proposed legislation as a whole

Officials from **the Department of Social Services (DSS)** state there would appear to be no fiscal impact on Children’s Division in the underlying CAN cases in juvenile court, as the county/juvenile office usually pays for these contracted attorneys to represent juvenile officers.

It is unknown what cost the proposed legislation would have on Children’s Division as it is unclear whether Children’s Division or the county would cover the cost of a child’s attorney and a GAL. The Department will continue to analyze potential cost of the proposed legislation.

Since it is unknown how the court would implement this proposed legislation, the Department is providing and impact of Unknown.

Officials from the **County Employees Retirement Fund**, the **Joint Committee on Public Employee Retirement**, the **Missouri House of Representatives**, the **Missouri Senate**, the **Missouri Consolidated Health Care Plan** and the **Missouri State Employee's Retirement System** 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 State Courts Administrator (OSCA) did not respond to **Oversight's** request for fiscal impact for this proposal.

<u>FISCAL IMPACT – State Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
GENERAL REVENUE			
<u>Costs</u> – DSS – perhaps additional GAL costs	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<u>Transfer Out</u> – Appropriation to the Child's Representative Fund §477.700	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
CHILD'S REPRESENTATIVE FUND			
<u>Income</u> – Gifts, grants, bequests, or contributions §477.700.3 (1h)	Unknown	Unknown	Unknown
<u>Transfer In</u> – Appropriation from General Revenue §477.700	Unknown	Unknown	Unknown
<u>Cost</u> – creates the Office of Child's Representative §477.700	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON THE CHILD'S REPRESENTATIVE FUND	<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

Current law requires courts to appoint a guardian ad litem for a child in certain child abuse and neglect cases, including when a child is under the jurisdiction of the juvenile court for reasons relating to the abuse or neglect or if abuse or neglect has been alleged in a custody proceeding. In other cases not involving abuse or neglect, the court may, in its discretion, appoint a guardian ad litem to represent the best interests of the child in that proceeding.

This act repeals provisions relating to the appointment of a guardian ad litem when a child is under the jurisdiction of the juvenile court for reasons relating to abuse or neglect of the child. In such cases, the court shall appoint an attorney for the child prior to the first hearing who shall represent the child in all proceedings, including appeal, during the pendency of the case. The attorney shall not represent the child and the parents or guardians. Right to representation by counsel in such cases shall not be waived by the child.

In cases involving custody, including separation, dissolution of marriage, or paternity cases, appointment of a guardian ad litem in cases where child abuse or neglect has been alleged shall only occur if the alleged abuse or neglect has been reported to the Children's Division. Currently, foster parents have the opportunity to be heard, and the standing to participate in, any hearing for a foster child in their care. Under this act, a current foster parent of a child who has been that child's foster parent for 9 months shall have the right to intervene as a party. Nothing in this provision shall be construed to authorize a court to join a foster parent as a party without the foster parent's consent.

Finally, this act creates the "Office of the Child's Representative" within the Missouri Supreme Court. The Child's Representative Board, consisting of nine members appointed by the Supreme Court as specified in the act, shall appoint an executive director and work with the director govern the Office. The Office shall have the responsibility to collaborate with the various judicial circuits, judges, and attorneys to ensure uniform, high-quality legal representation to children, including children's counsel and guardians ad litem.

The Office shall: (1) ensure the provision and availability of high-quality, accessible training for children's counsel, guardians ad litem, and judges who regularly hear matters involving children

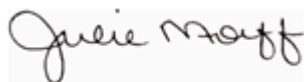
and families; (2) make recommendations to the Supreme Court concerning the establishment or modification of minimum training requirements and practice standards for attorneys serving as children's counsel or guardians ad litem; (3) oversee the practice of counsel and guardians ad litem to ensure compliance with all relevant statutes, court rules, and other directives; (4) work with judges, attorneys, and children impacted by the child welfare and justice system to form partnerships; (5) establish fair and realistic compensation rates for court-appointed counsel and guardians ad litem; (6) enhance existing funding sources; (7) study the availability of or developing new funding sources; and (8) accept grants, donations, and other nongovernmental contributions, to be held in the "Child's Representative Fund" in the state treasury, to fund the work of the Office. The Office shall also develop measures to assess and document the various models of child representation and the outcomes achieved by representatives and advocates for children.

SOURCES OF INFORMATION


Department of Social Services
County Employees Retirement Fund
Joint Committee on Public Employee Retirement
Missouri House of Representatives
Missouri Senate
Missouri Consolidated Health Care Plan
Missouri State Employee's Retirement System

NOT RESPONDING

Office of the State Courts Administrator



Julie Morff
Director
March 5, 2024



Ross Strope
Assistant Director
March 5, 2024