

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0035S.01I
 Bill No.: SB 262
 Subject: Children and Minors; Courts; Domestic Relations; Family Law; Guardians
 Type: Original
 Date: March 11, 2025

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

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
General Revenue*	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
Total Estimated Net Effect on General Revenue	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)

*Potential unknown costs to courts related to child custody cases assumed to be less than \$250,000 annually.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
Various State Funds*	Less than \$250,000	Less than \$250,000	Less than \$250,000
Total Estimated Net Effect on <u>Other</u> State Funds	Less than \$250,000	Less than \$250,000	Less than \$250,000

*The court costs for a Class A Misdemeanor offense go to various state and local funds.

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
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 2026	FY 2027	FY 2028
Local Government*	Less than \$250,000	Less than \$250,000	Less than \$250,000

*The fine revenue for a Class A Misdemeanor offense goes to local school districts and court costs go to various state and local funds.

FISCAL ANALYSIS

ASSUMPTION

§§452.340, 452.375, 452.377, 452.780, 453.110, and 475.060 – Child custody

Officials from the **Office of State Courts Administrator (OSCA)** state SB 262 may result in some impact but there is no way to quantify that amount currently. Any significant changes will be reflected in future budget requests.

Oversight notes OSCA assumes this proposal may have some impact on their organization although it can't be quantified at this time. As OSCA is unable to provide additional information regarding the potential impact, Oversight assumes the proposed legislation will have a \$0 to (Unknown) cost to the General Revenue Fund. For fiscal note purposes, Oversight also assumes the impact will be under \$250,000 annually. If this assumption is incorrect, this would alter the fiscal impact as presented in this fiscal note. If additional information is received, Oversight will review it to determine if an updated fiscal note should be prepared and seek approval to publish a new fiscal note.

Officials from the **Missouri Office of Prosecution Services (MOPS)** state the proposal will have no measurable fiscal impact to MOPS. The enactment of a new crime (§452.780.6) creates additional responsibilities for county prosecutors and the circuit attorney which may in turn result in additional costs which are difficult to determine.

Oversight has no information to the contrary. Therefore, Oversight will present no fiscal impact for MOPS.

Officials from the **Department of Corrections**, the **Department of Public Safety - Missouri Highway Patrol** and the **Department of Social 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.

Oversight also notes the provisions of §452.780.6 provides that any person who knowingly, purposefully, or intentionally fails to give accurate, full, and complete information as required by the section is guilty of a class A misdemeanor. Class A misdemeanors carry a penalty of \$2,000 for each offense in addition to any individual county/municipal fees and court costs. The fine revenue for the offense goes to local school funds and court costs go to various state and local funds. Oversight assumes there will be some (less than \$250,000) amount of fine revenue from violations of the statute. Therefore, the impact to various state funds and local governments will

be presented as less than \$250,000. For simplicity, Oversight will not reflect the possibility that fine revenue paid to school districts may act as a subtraction in the foundation formula.

Below are examples of some of the state and local funds which court costs are distributed:

Fee/Fund Name	Fee Amount
Basic Civil Legal Services Fund	\$8.00
Clerk Fee	\$15.00 (\$12 State/\$3 County)
County Fee	\$25.00
State Court Automation Fund	\$7.00
Crime Victims' Compensation Fund	\$7.50
DNA Profiling Analysis Fund	\$15.00
Peace Officer Standards and Training (POST) Fund	\$1.00
Motorcycle Safety Trust Fund	\$1.00
Brain Injury Fund	\$2.00
Independent Living Center Fund	\$1.00
Sheriff's Fee	\$10.00 (County)
Prosecuting Attorney and Circuit Attorney Training Fund	\$4.00
Prosecuting Attorney Training Fund	\$1.00 (\$0.50 State/\$0.50 County)
Spinal Cord Injury Fund	\$2.00

Oversight only reflects the responses received from state agencies and political subdivisions; however, various county officials 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 2026 (10 Mo.)	FY 2027	FY 2028
GENERAL REVENUE FUND			
<u>Costs</u> – OSCA (§§452.340 - 475.060) – increase in costs related to child custody cases p.3	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>

<u>FISCAL IMPACT – State Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028
VARIOUS STATE FUNDS			
<u>Revenue</u> – (\$452.780.6) Court costs p. 3	Less than \$250,000	Less than \$250,000	Less than \$250,000
ESTIMATED NET EFFECT ON VARIOUS STATE FUNDS	<u>Less than</u> <u>\$250,000</u>	<u>Less than</u> <u>\$250,000</u>	<u>Less than</u> <u>\$250,000</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028
LOCAL POLITICAL SUBDIVISIONS			
<u>Revenue</u> – (\$452.780.6) Court costs p. 3	Less than \$250,000	Less than \$250,000	Less than \$250,000
<u>Revenue</u> – Schools (\$452.780.6) Fine revenue p. 3	<u>Less than</u> <u>\$250,000</u>	<u>Less than</u> <u>\$250,000</u>	<u>Less than</u> <u>\$250,000</u>
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<u>Less than</u> <u>\$250,000</u>	<u>Less than</u> <u>\$250,000</u>	<u>Less than</u> <u>\$250,000</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 obligation of a parent ordered to pay child support shall abate, in whole or in part, if the other parent has permanently transferred custody of the child to a third party without first obtaining court approval.

Additionally, in custody cases where a court finds each parent to be unfit, unsuitable, or unable to be a custodian and the court determines that custody, temporary custody, or visitation with a third person is in the best interests of the child, the court shall notify the child's relatives, within the third degree, and any persons with whom the child has resided within 5 years that such persons may intervene to seek third party custody, temporary custody, or visitation, if such

persons are not already a party to the action. Any person may petition the court to intervene as a party of interest at any time and the court shall allow such intervention as a matter of right. Priority and preference for third party custody shall be given as set forth in the act.

No order denying third party contact with a child shall be entered by the court against a third party who has not been made a party to the action unless the court finds that the third party may not be found and joined as a party.

This act modifies the definition of "relocation" of a child in a custody arrangement to include the permanent transfer of custody of a child under a court order. In cases involving a proposed permanent transfer of custody to a third party, the legal custodian shall give notice of the proposed change in residence or location of the child to any noncustodial parent whose last known address is on record with the court, as provided for in the act. Such notice shall be in writing and shall be provided at least 60 days in advance of the proposed transfer. The notice shall not include the actual address to which the child shall be relocated, but shall include information on the noncustodial parent's right to intervene and seek custody of the child. After August 28, 2025, every court order establishing or modifying custody shall include the addresses of the legal custodians and noncustodial parents, as specified in the act. (§§452.340, 452.375, 452.377 and 453.110)

Current law requires each party in a child custody proceeding to give information as to the child's residences over the prior five years. Under this act, any person who knowingly, purposefully, or intentionally fails to give accurate, full, and complete information shall be guilty of a Class A misdemeanor and shall be reported to the local prosecuting or circuit attorney. (§452.780)

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 Corrections
Department of Public Safety – Missouri Highway Patrol
Department of Social Services
Missouri Office of Prosecution Services
Office of the State Courts Administrator



Julie Morff
Director
March 11, 2025



Jessica Harris
Assistant Director
March 11, 2025